

# **INTERNATIONAL LABOUR CONFERENCE**

**THIRTY-NINTH SESSION**

**GENEVA, 1956**

**Third Item on the Agenda:**

**Information and Reports on the Application  
of Conventions and Recommendations**

**SUMMARY OF REPORTS ON RATIFIED CONVENTIONS  
(Articles 22 and 35 of the Constitution)**



**INTERNATIONAL LABOUR OFFICE**

**GENÈVE, 1956**



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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 1954 to 30 June 1955, contains information on the 79 Conventions in force at the beginning of this period. In a limited number of cases information covering the preceding reporting period (1 July 1953 to 30 June 1954) but received too late for inclusion in last year's summary has been taken into account in preparing the present summary. 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 15 February 1956. 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, April 1956.

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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.

#### Belgium.

Royal Decree dated 27 June 1955 designating the members of the staff of the Post Office holding posts of responsibility.

The report lists the members of the Post Office staff covered by the above Decree. This list comprises officials of various grades (managers, inspectors, etc.) together with technicians-electricians-mechanics, technicians, workshop managers and deputy managers, overseer printer-typographers, overseer mechanics-electricians, works supervisors, leading chargehands, electricians, car drivers (grade I), drivers of special vehicles (grade I), senior clerical workers, together with substitutes and persons temporarily replacing any of the foregoing officials or employees.

During the period under review the courts dealt with 65 cases affecting the application of the Convention, resulting in 58 convictions.

The inspectorate visited 24,453 establishments employing 499,058 persons. In all, 348

infringements of the law were noted; detailed information on them is given in the report.

The report shows that permission was given for 69,582 hours of overtime to be worked by 1,234 workers, in virtue of section 7 of the Act of 14 June 1921.

#### Burma.

Rules have been made under section 57, paragraph 1, of the Factories Act, 1951, extending its application to all building operations and works of engineering construction; the Factories Rules are being studied and have not yet been approved by Parliament.

A copy of the Oilfields (Labour and Welfare) Act, 1951, is appended to the Government's report.

#### Canada.

Various Orders and Regulations issued in British Columbia, Saskatchewan and Newfoundland.

The above orders and regulations deal mainly with cases in which overtime may be authorised and with the relevant minimum rates of pay for overtime work.

The report contains detailed information on the number of permits granted in different provinces for overtime and states that in Canada as a whole the average hours worked per week as reported at 1 May 1955 were: manufacturing, 41.2; mining, 42.3; electric and motor transportation, 44.7; building construction, 38.9; highway construction, 38.3.

#### Chile.

The report contains detailed information on the carrying out of visits of inspection. It adds that if the inspection service finds any infringements these are notified to the employer in writing in order that he may rectify the hours of work and pay the higher overtime rate, which is 50 per cent. above the normal rate.

According to the general census of 1952 a total of 632,700 persons were employed in industrial undertakings, and 33,927 persons on the railways. In 1954, 54 contraventions of the provisions of the Convention were reported.

#### Colombia.

In reply to the observations and requests for supplementary information concerning the application of the Convention, the Government communicates the following information.

Hours of work settled by agreement between the parties concerned are subject to the legal maximum of eight hours; apart from the exceptions sanctioned by section 333 of the Labour

Code and those relating to chauffeurs and domestic workers, the other workers are considered to be employed on work which is essentially continuous; uninterrupted work, as defined in section 166 of the Labour Code, is understood to be work which cannot be interrupted owing to its nature, for example a furnace which must be kept burning, a machine which would be damaged if it were stopped, etc.; for small undertakings which are not obliged to have employment rules the problem of overtime does not present any difficulty, since the Ministry of Labour exercises permanent supervision over the observance of the labour legislation by means of periodical visits by the inspectors. Moreover, the employer knows that any infringement of the Code may involve the penalties provided by section 12 of Decree No. 617 of 1954, which indicates the officials of the Ministry of Labour who are given the authority of chief constables in regard to all matters concerned with the supervision and control mentioned in section 11, and are empowered to impose fines of from 50 to 2,000 pesos.

#### *Cuba.*

The Government points out that Decree No. 2513 of 1933 is applicable subject to the modifications introduced in virtue of article 66 of the Constitution of 5 July 1940. Following the reduction in the weekly hours of work to a maximum of 44, sections III to VI should be considered as repealed.

A Bill introducing four shifts of six hours each is now before Congress.

The Government states that all the employed population may be considered as covered and estimates their number at approximately 2 million workers.

#### *Czechoslovakia.*

Act No. 67 of 1951 respecting industrial safety. Government Ordinance No. 11 of 1954 to determine the modifications made in the scope of application of the above-mentioned Act.

Government Ordinance No. 19 of 1951 respecting the regulation of hours of work for the purpose of ensuring the uninterrupted transport of workers and the supply of electricity, gas and steam for heating.

Decree No. 342 of 1951 to give effect to the provisions of the above-mentioned Government Ordinance.

*Article 4 of the Convention.* Undertakings and processes classed as being necessarily continuous, in the sense of the Convention, are listed in section 2 of Ordinance No. 11 of 1919 to apply the Eight-Hour Day Act.

*Article 6.* Preparatory work is understood to mean work which precedes or follows the general work of the undertaking, as, for example, heating the workplaces, stoking the boilers, and cleaning work. This work usually lasts one or two hours per day.

Overtime is only authorised in exceptional cases. The authorisations are given by the central authority after consulting the trade union body which is competent for industrial safety questions.

#### *Dominican Republic.*

The Government states that it has not yet completed the study of the observations made

by the Committee of Experts in 1954 and 1955 and that the conclusions of the study will be forwarded to the I.L.O. as soon as they are reached.

#### *India.*

Factories (Amendment) Act No. XXV of 1954 (L.S. 1954—Ind. 1).

The Government states that the Factories Act, 1948, was amended in May 1954 so as to bring its provisions into line with those of the Night Work (Women) Convention (Revised), 1948 (No. 89) and the Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90). A copy of the amending Act, which is appended to the Government's report, shows that it also modifies the provisions relating to daily hours of work, overlapping shifts, extra wages for overtime, notification of periods of work for adults, and power to make exempting rules and orders. In particular, the amending Act indicates that the provincial government may make rules for the exemption of workers engaged in the printing of newspapers whose work is interrupted on account of the breakdown of machinery, and of workers engaged in the loading or unloading of railway wagons.

The Government states that during the first half of 1954 the average number of workers employed in factories covered by the Factories Act was 2,492,497 and that the average daily number of workers employed in mines covered by the Mines Act during July 1953 was 393,868. A total of 1,657 convictions was obtained in the various provinces during the year 1953 in respect of infringements of the regulations relating to employment and hours of work in factories covered by the Act.

#### *Israel.*

Hours of Work and Rest Regulations, 1955.

A copy of the above-mentioned Regulations, which came into force on 1 March 1955, is appended to the Government's report. It provides for the posting of notices regulating hours of work and the keeping of records of additional hours. These rules were promulgated so as to facilitate inspection, but it is not yet possible to supply information on their effectiveness.

During the period under review 529 special permits were issued with regard to overtime work in industrial and non-industrial undertakings; this figure does not represent the number of undertakings involved since in some cases permits were given more than once in respect of the same undertaking. Moreover, the increase in the number of permits granted is not necessarily an indication of a rise in overtime employment but rather shows an increasing demand for the official sanctioning of overtime.

#### *Luxembourg.*

In 1954 the Ministry of Labour granted 36 permits for the temporary extension of hours of work in 26 different undertakings. In this connection 654 workers worked 84,125 hours' overtime during periods varying from six to 300 days and for one and two hours daily.

One hundred and ninety special interventions were made in connection with 72 infringements concerning hours of work and 22 infringements concerning the payment of overtime or of the legal supplementary amount. Final written warnings were sent to one undertaking in the heavy industry, two quarries, one workshop and one commercial undertaking. During the period under review 42,000 workers were protected by the hours of work legislation.

In a letter forwarded to the I.L.O. on 18 November 1954 the Government stated that the employers' and workers' organisations had agreed to a modification of the collective agreement in force for the iron and steel industry, by which hours of work were reduced from 56 to 48 hours weekly in the case of continuous processes. This modification, which was to be effective as from 1 January 1955, is accompanied by a wage adjustment.

#### *New Zealand.*

Industrial Conciliation and Arbitration Act, 1954 (L.S. 1954—N.Z. 1).  
Quarries Amendment Act, 1954.

The Industrial Conciliation and Arbitration Act, 1954, consolidates and replaces the Industrial Conciliation and Arbitration Act, 1925, and its amendments; section 149 of the new Act, which replaces section 20 of the previous Act, enlarges the provision concerning consultation by stating that the Court of Arbitration may fix at more than 40 the maximum number of weekly hours (exclusive of overtime) after hearing representatives of employers and of workers or affording them an opportunity to be heard.

The Quarries Amendment Act, 1954, amends the definition of the term "quarry".

The total number of workers to whom the legislation applied in April 1955 was 302,306.

During the period 1953-54 the overtime worked in factories and other industrial undertakings amounted to 17,841,619 hours.

For new legislation concerning the Labour Department see under Convention No. 30.

#### *Nicaragua.*

The report states that the legal provisions are strictly enforced; the labour inspectors are responsible for supervision and the judges of the labour courts exact penalties for contraventions of the law.

#### *Pakistan.*

The question of the extension of the Hours of Employment Regulations to the running staff on railways has been reopened after the termination of the proceedings of the industrial tribunal referred to in previous reports. The views of the railway staff unions and other bodies, which had been requested as regards the advisability of extending the regulations, have not yet all been received.

In 1953 an average of 262,880 workers were employed in registered factories; of these 60,764 were employed in seasonal factories. In perennial registered factories not more than 42 weekly hours were worked in 72 factories, between 42 and 48 hours in 1,076 factories and over 48 hours

in 111 factories. The hours of work of women were not more than 42 a week in 26 factories, between 42 and 48 in 290 factories and over 48 in one factory.

In the case of registered seasonal factories, the weekly hours of work of men did not exceed 48 in 164 factories; they varied between 48 and 54 in 415 factories and exceeded 54 in four factories. For women, the weekly hours of work were not more than 48 in 122 factories and between 48 and 54 in 204 factories.

#### *Portugal.*

The report states that some of the collective agreements concluded during the period under review contain provisions relating to Article 2 of the Convention; a list of the agreements in question is included in the report.

A number of decisions respecting the application of the Convention have been given by courts of law. These decisions relate to the responsibility for observing provisions on hours of work and of rest, the right to claim payment for normal or overtime work, the possibility of modifying by means of an arbitration award the hours of work fixed by collective agreement, and the obligation to inform the inspectorate of any changes in hours of work.

It is not possible to state the exact number of workers in the various industries, but 773,810 workers are covered by collective agreements and by orders respecting labour regulations. A total of 5,417 contraventions relating to the subject matter of the Convention were reported during the period under review.

#### *Rumania.*

Constitution of the Rumanian People's Republic of 5 April 1948, section 78 (L.S. 1948—Rum. 1).  
Labour Code of 30 May 1950, sections 49, 57 and 61 (L.S. 1950—Rum. 1).  
Decision of the Council of Ministers No. 350 of 18 April 1951, to fix hours of work at less than eight a day for certain occupational categories.

The Act ratifying the Convention, which was adopted on 9 May 1921, is in force.

Section 78 of the Constitution of the Rumanian People's Republic fixes daily hours of work at eight for workers and salaried employees; it reduces these hours to less than eight for certain occupations where the conditions of work are hard and for certain sectors of industry where the conditions of work are particularly laborious.

Sections 49 and 61 of the Labour Code give effect to the provisions of the Constitution which establish the normal hours of work at eight per day for six days a week.

The decision of the Council of Ministers No. 350 of 18 April 1951 reduced hours of work to less than eight per day for certain laborious operations which are specified in the report.

Section 57 of the Labour Code provides that overtime shall only be worked with the prior approval of the relevant Ministry, in agreement with the trade union concerned, and that it shall not in any case exceed 120 hours a year and four hours a week for each employee.

The times of beginning and ending work for each unit are laid down in the works rules.

*Uruguay.*

Decree of 9 March 1954 respecting hours of work for bakery staff.

The above decree provides that the hours of work of certain workers in bakeries shall be reduced to seven a day.

During the period under review 1,346 infringements were reported and fines totalling 35,360 pesos were imposed.

The report from *Peru* reproduces the information previously supplied.

## 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> Has denounced this Convention.

*Argentina.*

During the period under review the employment offices registered 180,144 applications for employment and 44,377 vacancies; they placed 52,984 persons.

*Austria.*

Federal Act of 30 June 1954 to amend the Unemployment Insurance Act (Sixth Unemployment Insurance Amendment Act).

Federal Act of 7 July 1954 respecting compensation for loss in wages due to bad weather.

Young Persons (Recruitment) Act, as amended by the Ordinance of 7 September 1954 and by the Federal Constitution Act of 26 November 1954.

Federal Act of 31 March 1955 to repeal legislation concerning the workbook.

The report contains detailed information respecting, *inter alia*, changes in the legislation respecting bad weather compensation to

workers in the building industry and unemployment insurance, as laid down by the Federal Act of 30 June 1954.

A social insurance agreement has been concluded with Italy, under which any national of one or other country who has worked in either or both and is resident in his own country during any period of unemployment may, for the purpose of entitlement to unemployment insurance benefit, put forward a claim to his periods of employment in the other country in so far as they were subject to compulsory unemployment insurance.

During the period under review the average number of persons registered at the end of each month as applicants for employment with the public employment offices was 134,870 and the average number of unfilled vacancies was 21,464. The average monthly number of new applications for employment was 58,439 and that of vacancies notified 41,605. A monthly average of 31,376 vacancies was filled through the public employment offices.

By a decision of 17 December 1953, following an appeal lodged by an occupational association, the Constitutional Court held that the legal basis of the authorisation of, and engagement in, non-profit making placement (Employment Exchange, Vocational Guidance and Apprentice Placement Act of 5 November 1935, passed in the time of the Reich) is unconstitutional.

*Belgium.*

Various Royal and Ministerial Decrees and Orders promulgated during the period under review, relating, *inter alia*, to the application of the regulations respecting unemployment benefits, the working of employment offices, conditions for the compensation of wage earners living under the same roof as self-employed persons, and the fixing of the rates of unemployment benefits.

The daily average number of unemployed persons in receipt of benefit varied between a maximum of 178,000 (January 1955) and a minimum of 98,000 (June 1955). The number of persons placed in employment varied between a maximum of 33,000 (May 1955) and a minimum of 12,000 (December 1954).

*Burma.*

The statistical data included in the report show the number of persons seeking the assistance of the Rangoon and Mandalay employment offices (9,397), the number of vacancies notified (5,887), the number of workers referred to employers (7,411), and the number of workers placed (5,151).

All labour matters are now administered by the Ministry of Trade Development and Labour.

Since March 1955, when the monopoly by the Seamen's Union in the matter of recruitment of seamen came to an end, the crews have been recruited through the Rangoon employment office where available crews are registered. This new system of recruitment has proved satisfactory.

#### *Chile.*

During the year 1954 the National Employment Service registered a monthly average of 5,298 applications for employment and 3,824 unemployed persons; the monthly average number of workers placed was 1,473.

The Government hopes that, with the collaboration of the I.L.O. employment service expert who is at present in Chile, it will be possible to transform the employment section of the General Directorate of Labour into a national employment service. The various legislative amendments which would be required in this connection have been examined, but present financial difficulties do not permit of the immediate development of the new service in a fully satisfactory way.

Detailed statistical data relating to various aspects of the question of unemployment are appended to the report.

#### *Colombia.*

By Decree No. 0538 of 1954 employment offices were set up in 16 towns.

During 1954 the official employment service received a total of 12,868 applications for work, and succeeded in placing 6,011 workers.

It was not found possible to form advisory committees of employers and workers, as neither the employers nor the workers showed any interest in the formation of such bodies. They confined themselves to giving their collaboration whenever the Government requested it.

#### *Denmark.*

Regulation of the Ministry of Social Affairs of 4 January 1955 respecting the position of the unemployment funds during strikes and lockouts.

Regulation of the Ministry of Social Affairs of 11 February 1955 respecting the exemption of conscripts from paying contributions to the unemployment fund while on military service.

As a result of the coming into force, on 1 July 1954, of an agreement concluded on 22 May 1954 between Denmark, Finland, Norway and Sweden concerning a common labour market, the co-operation of the public employment service is no longer confined to those occupations where no lack of manpower is believed to exist.

During the period under review about 1,780,000 persons were registered as unemployed by the public employment service. About two-thirds of these persons found new employment through their own efforts. Placements effected by the various public employment agencies totalled nearly 500,000, of which about 262,000 were made by the public employment offices, 216,000 by the State-recognised unemployment funds, and 2,300 by the municipal employment committees. Private em-

ployment agencies under the supervision of the Labour Directorate placed about 9,700 workers.

#### *Egypt (First Report).*

Act No. 244 of 21 May 1953 respecting the organisation of placement for unemployed persons (L.S. 1953—Eg.3).

*Article 1 of the Convention.* From July to December 1954 inclusive a total of 50,757 unemployed persons registered at the employment offices.

*Article 2.* The operation of Act No. 244 has been extended by successive ministerial orders to new areas of the country and its provisions now apply to Cairo, Alexandria, Ismailia, Port Said, Suez, Zagazig and Aswan. It is hoped to extend its application to cover the whole country in the next five years, with the establishment of employment offices not only in all the administrative regions but also in the most important industrial centres.

New permanent committees on unemployment were recently established on a tripartite basis to deal with all questions relating to employment policy and in particular with measures to combat unemployment. No corresponding committees have yet been set up at the local level.

*Article 3.* There is as yet no insurance against unemployment.

#### *Finland.*

There are at present 14 associations carrying out placing activities; seven of these do not charge any fees for their services.

#### *France.*

Decree No. 55-442 of 23 April 1955 to raise unemployment benefit rates with effect from 4 April 1955.

Between 1 July 1954 and 30 June 1955 the number of job applicants varied between 148,783, the lowest figure, which was registered on 1 September 1954, and 209,197, the highest figure, which was registered on 1 March 1955. The number of persons placed in employment ranged from 39,598, the lowest figure, which was registered on 1 September 1954, to 62,705, the highest figure, which was registered on 1 November 1954.

The report contains some details regarding the abolition of fee-charging employment agencies.

The Government states that one of the workers' organisations (the French Confederation of Christian Workers) has pointed out that a number of fee-charging employment agencies are still operating in France and that this is at variance with French law.

The Government states that on 24 May 1945, well before the ratification of the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96), it issued an ordinance (No. 45-1030) regarding the placing of workers and the control of employment, and laid down the principle that all private employment agencies must be abolished.

As the majority of fee-charging agencies must be compensated when they are abolished, and

the French Government has not hitherto had the available funds to buy them out, the agencies have been allowed to operate provisionally under the supervision of the public manpower service.

As soon as the Ministry of Labour and Social Security is granted an adequate appropriation, private employment agencies will be abolished.

It should further be pointed out that, although existing agencies have been allowed to remain in existence, no new ones have been opened since 1945.

#### *Federal Republic of Germany.*

The report refers to a Bill to amend and supplement the Placement and Unemployment Insurance Act with a view to establishing uniform regulations for unemployment assistance. In view, however, of the scope of this legislation and the degree to which unemployment insurance and relief legislation are bound up with other branches of social insurance, the deliberations in Parliament on this subject are likely to continue for some time.

Other legislation to supplement the Placement and Unemployment Insurance Act offers some possibility of extending unemployment insurance benefits to persons who have been in compulsorily insured employment in the Federal Republic of Germany or the province of Berlin but who are domiciled outside either of these areas. This new legislation is primarily intended to cover persons living in parts of Germany under Soviet influence but who are normally employed in the Federal Republic or in the province of Berlin.

The report adds that efforts are being made to reinforce existing close co-operation between the Federal Institute for Employment and for Unemployment Insurance and private placing agencies with particular reference to statistical information. Moreover, a Bill to amend and supplement the Placement and Unemployment Insurance Act has been prepared. Under this Bill private agencies or persons operating independently of the Federal Institute would be able to continue to engage in placing activities on behalf of the Federal Institute only if the particular nature of the occupations or groups of persons involved make this necessary in the interests of more effective placing.

Unemployment insurance agreements have been concluded with Austria, Italy and the Netherlands. A similar agreement is being negotiated with the United Kingdom.

The report adds that the Convention is applied in West Berlin.

#### *Hungary.*

Order No. 1406 of 1954 of the Council of Ministers respecting the organisation of agencies for the direction of manpower.

Ordinance No. 6 of 1954 of the Council of Ministers to lay down rules relating to the duties and activities of agencies for the direction of manpower.

Under Order No. 1046 of 1954 a network of agencies for the direction of manpower has been set up for the registration of manpower requirements. These agencies are under the control of the State and are financed from the national budget. Their services are provided free of charge.

Regulations concerning the direction of manpower provide (1) that every month establishments must notify their manpower requirements for the following month and specify the branches of occupations concerned; (2) that agencies for the direction of manpower must receive applicants at regular hours and supply information regarding employment opportunities notified to them; and (3) that undertakings are free to employ not only workers referred by the agencies for the direction of manpower but also any workers who apply to them direct.

The authorities responsible for the application of the regulations concerning the utilisation of manpower are the People's Councils at the local level and the Office for Manpower Reserves at the national level.

The activities of the agencies are illustrated by the following figures for May 1955: 54,616 vacancies were notified; of these, only 25,543 could be filled. The latter figure is made up as follows: 3,551 salaried employees and technical personnel, 5,125 skilled workers, 15,233 labourers and 1,634 new entrants.

#### *Ireland.*

The total number of persons on the live register at employment exchanges and branch employment offices fluctuated between 49,002 on 31 July 1954 and 73,796 at the end of January 1955, to fall to 47,605 at the end of June 1955. These fluctuations were due largely to the incidence of the Unemployment Assistance (Employment Periods) Orders, 1954 and 1955, the effect of which was to preclude certain classes of persons residing in rural areas from receiving unemployment assistance during specified periods.

During the period under review 44,061 vacancies were notified to employment exchanges and branch employment offices and 41,468 persons were placed in employment.

#### *Japan.*

There are at present 422 public employment offices and 135 branch offices. During the period under review the activities of the free public employment offices may be summarised as follows: for regular workers: 2,368,000 vacancies notified; 4,683,000 new applications received; 3,310,000 referrals made; and 1,819,000 placed in employment; for casual workers: 83,001,000 vacancies notified; 98,790,000 new applications received; 82,910,000 referrals made; and 80,190,000 placed in employment.

#### *Luxembourg.*

During the period under review 30,126 vacancies were notified, 29,175 applications for employment were registered and 28,191 persons were placed through the agency of the National Labour Office.

#### *Netherlands.*

The report gives information regarding the compilation of monthly, quarterly and annual returns dealing with the employment and unemployment situation and the measures taken to combat unemployment. Copies of



these returns are regularly forwarded to the Office.

During the period under review the placing offices registered 547,531 vacancies (419,134 for men and 128,397 for women), and 757,952 applications (672,757 from men and 85,195 from women). They placed 363,047 persons (308,361 men and 54,686 women).

#### *New Zealand.*

Labour Department Act, 1954.  
Employment (Information) Regulations, 1954.

Unemployment continues to be negligible; in June 1955 the number of disengaged persons enrolled at the local offices of the Labour Department was 58 males and seven females, while vacancies were notified to these offices in respect of 9,844 males and 4,739 females. During the year the offices placed 10,805 males and 4,528 females in employment.

#### *Nicaragua.*

The question of unemployment will be dealt with in due course in the Social Security Act.

The Managua employment office placed 2,889 workers in employment between 1 July 1954 and 30 June 1955.

#### *Norway.*

According to a new paragraph (No. 110) introduced on 16 November 1954 in the Constitution, "It is incumbent upon the national authorities to take steps with a view to making it possible for every able-bodied person to earn his livelihood by his labours". This provision is a policy directive to the national authorities, to whom the decision on the means by which this objective shall be reached is left.

An agreement respecting a common labour market, signed on 22 May 1954 by Denmark, Finland, Sweden and Norway, came into force on 1 July 1955. This makes it possible for a citizen of one of the countries to take up employment in another Scandinavian country without a working or residence permit.

There are now 18 county employment offices, 683 local employment offices (31 of which are joint offices serving several localities), and 16 offices for seamen. During the period under review 279,716 applications for employment and 238,966 vacancies were registered, and 191,855 persons were placed.

#### *Poland.*

In reply to the observations made by the Committee of Experts, the Government has supplied the following information.

There are employment sections or services in all towns of a certain size, as well as in the chief town of each district. These sections or services operate as placing offices, and are responsible to the presidiums of the People's Councils (the local public authorities).

These placing offices form part of the local organs of government (the People's Councils). The following details illustrate the employment situation in Poland between 1 July 1954 and 30 June 1955: 1,350,375 applications for employment were registered; the number of vacancies rose to 1,408,499; 1,330,892 persons

were directed into employment; the number of persons remaining unemployed was 19,481 and the number of vacancies unfilled was 77,607. In addition, the placing offices organised an active campaign of recruitment for various branches of the economy. As a result, during the same period, 89,029 persons took up employment outside their usual occupations.

A labour shortage was encountered in certain towns and provinces (Stalinograd, Wroclaw and others). The shortage of workers in industry, building, transport and other sections of the country's economy was accompanied by a shortage in agriculture in some parts of the country, e.g. in the provinces of Koszalin, Olsztyn, Gdansk and others.

#### *Rumania.*

Constitution of the Rumanian People's Republic of 5 April 1948 (L.S. 1948—Rum. 1).

The Act of 9 May 1921 to ratify the Unemployment Convention, 1919 (No. 2) is still in force, but as there is no unemployment in Rumania the Government considers that the question of the payment of indemnities to unemployed persons does not arise.

The Constitution of the Rumanian People's Republic guarantees to all citizens the right to work, i.e. the right to obtain employment and to be paid for it according to the quantity and quality of work performed. This right is guaranteed by the existence and development of the socialist sector of the national economy, the continuous and systematic expansion of production, the elimination of economic crises and the liquidation of unemployment.

The Rumanian Labour Code makes no distinction between nationals and foreign workers as regards the right to work.

#### *Sweden.*

During the period under review the number of applications for work registered with public employment offices was 1,807,652. The number of vacancies was 1,289,479 and the number of persons placed in employment by the service 1,044,041.

The Government appends to its report the text (in Swedish) of the annual report prepared by the Employment Market Board on its activities in 1954.

#### *Switzerland.*

See under Conventions Nos. 44 and 88.

#### *Turkey.*

The Government supplies the following information in response to the observations made by the Committee of Experts on the Application of Conventions and Recommendations.

The employment service has collaborated with the statistical expert of the International Labour Office with a view to improving employment statistics. The implementation is envisaged of those parts of the expert's report which will be helpful in the future activities of the employment service.

At present there are 11 branch offices, 12 agencies and 30 bureaux of the employment service. Placing teams have been sent on an experi-

mental basis to certain regions where manpower movements, especially those of a seasonal nature, occur but where the creation of permanent offices is not justified at present. In addition, two temporary offices have been established in order to provide workers for two major dam construction projects.

During the period under review the employment service received 475,096 applications for employment and was notified of 504,516 employment vacancies. The number of workers placed was 415,279.

### *Union of South Africa.*

The report states that the provisions of Act No. 40 of 1944 respecting the employment of soldiers and war workers are no longer operative.

Government measures to combat unemployment now include the provision of work on State projects (for instance afforestation and improvement of the State railways), subsidies to local authorities and public bodies to enable them to provide work for unemployed physically handicapped persons and persons unable owing to age to secure ordinary employment, and employment of handicapped persons in sheltered workshops or farms. In addition, travelling facilities are provided free or are reimbursed to unemployed persons proceeding to employment or to interviews with prospective employers.

From April to June 1955 the number of persons (European, Coloured or Asian) employed as a result of these measures was : afforestation, 315 ; railway works, 36 ; sheltered employment, 1,686 ; other subsidised employment, 1,515.

There are now 49 free employment agencies conducted by the Department of Labour (9 regional agencies, 22 in the larger urban centres, 18 in the larger rural centres). The number of free part-time employment agencies which are conducted by public officials having other functions is 377. The number of agencies dealing specifically with juvenile work-seekers is 18. During the month of June 1955 applications for employment were received at these various agencies from 19,696 adults and 1,727 juveniles. They placed 73,494 adults and 16,832 juveniles during the year under review.

The employment agencies conducted by the Department of Native Affairs received 102,584 applications for employment during the month of June 1955. They placed 1,083,509 persons during the year.

Contributions to the Unemployment Insurance Fund were reduced by a little over 50 per cent. and benefits were increased by 7 per cent. The number of contributors in 1954 was 602,000 and at the end of the year the number of those in receipt of benefit was 6,921. The average period in respect of which benefits were paid was 62.5 days.

The Unemployment Insurance Board considered 130 appeals against decisions by local committees ; 88 of these decisions were dismissed, 41 were allowed, while in one case the decision of the committee was varied.

### *United Kingdom.*

In *Great Britain* there are at present 977 employment exchanges, 96 sub-offices, 80 branch employment offices, 32 local agencies, 1,153 youth employment offices, 1 technical and scientific register, 3 appointments offices, 11 regional nursing appointments offices and 140 local nursing appointments offices. The monthly average number of unemployed applicants registered for employment at employment exchanges during the period under review was 251,063 ; the number of vacancies notified to employment exchanges remaining unfilled at the end of the year was 460,491. The number of persons placed in employment during the 52 weeks ended 29 June 1955 was 3,099,320.

In *Northern Ireland* there are 28 employment exchanges and 67 sub-offices. The average number of unemployed applicants registered for employment during the period was 32,294 and the number of vacancies notified to employment exchanges remaining unfilled at 13 June 1955 was 977. The number of persons placed in employment during the 52 weeks ended 13 June 1955 was 30,986.

The Ministry of Labour and National Insurance has appointed an Advisory Committee for the whole of Northern Ireland and eight regional advisory committees consisting of representatives of employers, workers and other interests.

As regards employment insurance, the report states that there is no discrimination against persons on grounds of nationality. This principle is formally expressed in the Convention on Social Security concluded between the Governments of the United Kingdom and of the Netherlands, which was ratified on 23 May 1955. Negotiations in respect of similar agreements with Italy (for Northern Ireland) and with Belgium are in progress.

### *Uruguay.*

Act No. 12174 of 28 December 1954 extends Act No. 11987 of 14 August 1953 to cover employees in the refrigerating industry who are dismissed for reasons other than misdemeanours or serious misconduct.

The Decree of 12 February 1954 regulates the operation of the employment offices which are attached to the unemployment insurance fund for the refrigerating industry.

Copies of the above-mentioned Act and Decree are appended to the report.

### *Yugoslavia.*

During the period covered by the report the number of local employment exchanges fell by one from 253 to 252. The monthly average of temporarily unemployed workers as registered on the last day of the month was 69,828. During the period July 1954 to June 1955 the employment service registered 541,993 applications for work and 440,884 vacancies ; 422,455 persons were placed in employment.

## 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 <sup>2</sup> . . . . .	6. 6.1933
Venezuela . . . . .	20.11.1944
Yugoslavia . . . . .	1. 4.1927

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

<sup>2</sup> Has denounced this Convention.

#### *Brazil.*

The National Congress is still discussing the draft of the organic law on social insurance. In accordance with this law maternity benefits will be provided exclusively by the social insurance system; under the legislation in force such benefits are paid jointly by the employers and the social insurance funds.

During the period under review proceedings were instituted in respect of six infringements of section 393 of the Consolidation of Labour Laws.

#### *Chile.*

The committee set up to revise the Labour Code has finished its work, in the course of which it endeavoured to secure complete agreement between Chilean legislation and the Conventions which the Government has ratified. However, since many of the different amendments proposed are of considerable importance, it has not been possible up till now to proceed towards approval of the draft revised Code.

During 1954 the labour courts gave six judgments with regard to the application of the Convention. The text of these decisions is appended to the report.

According to the reports of the inspection services, 43 infringements of the provisions of the Convention were recorded during the period considered.

#### *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 Rio; it gives the number of inspection visits, the number of contraventions reported, amounts imposed in fines, grants made by the Board, the amount of compensation paid out, the number of beneficiaries, decisions by courts of law and acquittals.

#### *France.*

Decree No. 55-156 of 2 February 1955 to amend section 29 of Book I of the Labour Code respecting maternity rest.

In accordance with section 29 of Book I of the Labour Code, as amended by the above-mentioned Decree, the cessation of work by a woman for six weeks before the presumed date of her confinement and for eight weeks after the confinement may not be assigned as a reason for the employer to break her contract of employment, under pain of paying damages to the woman concerned. The latter is required to notify the employer of the reason for her absence from work.

If the woman's absence from work—owing to an illness which is shown by a medical certificate to be due to her pregnancy or her confinement—makes it impossible for her to return to work after the period of eight weeks following her confinement, but this further absence does not extend beyond three extra weeks, the employer may not give her notice by reason of this extension of her period of absence, under pain of paying her damages; the period of absence must not exceed 11 weeks from the date of confinement.

In regard to the observations of the Committee of Experts on the question of rest periods for nursing the infant, the Government considers that the rules under the Labour Code are more favourable to the wage earners than the provisions of Convention No. 3, and that the reduction of the half-hour nursing periods to 20 minutes is largely compensated for by the accompanying advantages—in particular, by lessening the mother's fatigue. Under these conditions, the Government considers that it cannot contemplate any amendment of the existing regulations, since that would be a retrograde step.

During the period under review the funds of the general social security scheme for non-agricultural occupations paid maternity benefits in respect of 461,857 births; benefits in kind in respect of these births amounted to 13,257 million francs.

Daily benefits amounting to 4,325 million francs were paid out to 150,861 mothers by the funds of the general scheme, and 11,580 mothers employed in the civil service received their remuneration from their respective administrations while they were on maternity leave.

The French Confederation of Christian Workers (C.F.T.C.) made certain observations concerning Article 3 of the Maternity Protection Convention. It emphasised the point that, according to the legal provisions protecting women during confinement (section 29 of Book I of the Labour Code), the employer is not always open to censure if he breaks the employment contract of a pregnant or confined woman during the period of 12 weeks indicated by Article 3 of the Convention.

The law does in fact forbid the employer to break the woman's contract during this period because she is absent owing to pregnancy or

confinement, but it does not forbid him to dismiss the woman for other reasons (collective dismissal, suppression of post, bad work before the beginning of the woman's absence).

The C.F.T.C. observes that, since it is always difficult, in court, to prove the actual reason for breaking the employment contract, it follows that the woman who has been dismissed when she is pregnant or has recently been confined will often find it impossible to prove that she was dismissed for that reason.

The Government states that French law protects pregnant women for a longer period than the one provided by the Convention. Indeed, section 29 of Book I of the Labour Code provides that a woman's absence from work during a period beginning six weeks before the presumed date of confinement and ending eight weeks after that date may not be assigned as a reason for the employer breaking the contract of employment, on pain of paying the woman damages. But the Convention stipulates that the period of absence of a woman in childbirth shall be not less than 12 weeks.

Employers retain the right, unquestionably, to put an end to the employment contract of a pregnant woman for reasons other than her pregnancy (serious fault, suppression of post, collective dismissal, employer giving up his business). This is, moreover, the position taken up by the Supreme Court of Appeal. It would appear impossible to go beyond this. Indeed, it is difficult to see how it would be possible, for example, to force an employer who is giving up his business to maintain the employment contract of a pregnant woman who is working in his undertaking. Moreover, it would seem that the provisions of the Convention should be interpreted in the same sense as French legislation.

#### *Federal Republic of Germany.*

Following the observations made by the Committee of Experts in 1954 regarding sections 7 and 12 of the Maternity Protection Act of 1952, the Federal Republic intends to amend the Act so as to secure conformity with the provisions of the Convention. The preparatory work involved by the amendment has not yet been completed.

During the period under review the Maternity Protection Act of 1952 was again the subject of various court rulings. The report refers to a number of Supreme Court judgments involving questions of principle in connection with maternity protection (as governed by the Convention).

The annual reports submitted for 1953 by the provincial industrial inspection authorities in the Federal Republic contained numerous references to the application of the Maternity Protection Act. Extracts from these reports are also appended to the Government's report.

As was the case last year, it has not yet been found possible to provide exact data on the number of beneficiaries of allowances under section 13 of the Maternity Protection Act. However, in 1953, 167,687 women covered by the compulsory sickness insurance scheme were paid maternity benefits under the Reich Insurance Code. As nearly all these women are also entitled to benefits under section 13 of the

Maternity Protection Act, and since a wider range of women receive benefits under that section than under the Code, the number of women drawing maternity allowances under the provisions of section 13 of the Maternity Protection Act is certainly well in excess of the figure of 167,687.

The sickness funds are still regularly paid from 90 to 100 per cent. on their claims for compensation from the federal authorities under section 14 of the Act. The instalments paid during the 1954 accounting year totalled 43,562,462 marks.

The report adds that the Convention is applied in West Berlin.

#### *Greece.*

Legislative Decree No. 2698 of 10 November 1953 respecting the administration of the Social Insurance Institute (I.K.A.), the amendment of the legislation applicable to this Institute and certain other provisions.

Section 28 of the above-mentioned decree extends the health and maternity insurance system of the Social Insurance Institute (I.K.A.) to the employees of town police forces.

The I.K.A. pays a pregnancy and confinement allowance to women who remain away from their work on account of pregnancy, but the employer is required to pay them their wages during their first month of leave, pursuant to sections 657 and 658 of the Civil Code.

The Convention is satisfactorily applied and the social insurance system set up by the I.K.A. is continually being extended and tends to become more generalised. A table is appended to the report showing the number of confinements covered directly or indirectly by insurance, the sums granted in the form of maternity and confinement allowances, and the various areas to which the scope of the general insurance system has been extended during the period 1954-55.

#### *Hungary.*

The report reproduces the provisions of sections 93 to 98A of Legislative Decree No. 7 of 1951 to establish a Labour Code, amended by Legislative Decree No. 25 of 1953, the provisions of sections 85 and 89 of Regulation No. 2 of 1952 of the Central Council of Trade Unions, and the provisions of sections 3 to 5 of the Decree of the Council of Ministers No. 1044 of 1953.

The report also includes detailed statistics from which it appears that the amount paid in respect of pregnancy and confinement benefits rose from 24½ million forints in 1950 to over 124 million in 1954; maternity benefits rose from nearly 46 million forints in 1950 to over 80 million in 1954; from 1950 to 1954 the number of women who received maternity benefits increased from 95,500 to 153,500.

#### *Italy.*

The Government refers to the information supplied in writing last year to the Committee of the Conference, in reply to the observations made by the Committee of Experts, concerning the payment by employers of maternity com-

pensation to women workers who are not entitled to sickness benefits from the National Insurance Institute.

In addition, it states that Italian legislation provides for safeguards which appear to be sufficient to meet the requirements of the Convention. Thus, the legislation states that women workers may not be discharged during their pregnancy, which must be attested by a medical certificate; this period is extended to the end of the time during which they are not permitted to work (i.e. eight weeks after confinement) or until their child is one year of age. Discharge is forbidden from the date on which pregnancy began, even if it is possible to ascertain that date only at a later stage. Consequently, should a woman be discharged, she must be reinstated in employment as soon as the employer is sent a medical certificate attesting the fact that a condition of pregnancy existed before the date of actual dismissal. In such a case the contract of employment is renewed until the end of the period of pregnancy and beyond. The contract of employment is likewise renewed until the child is one year of age when the woman worker, after discharge, furnishes the employer with a certificate showing that the child was born before her employment status came to an end. For the renewal of the contract of employment the relevant regulations require that the certificate of pregnancy and the certificate of birth be submitted to the employer within 90 days and 15 days, respectively, after the notice of dismissal.

The Italian Government is at present examining in all its aspects the problem raised by the Committee, but it already appears clear that a solution can only be found by way of a reform of the statutory sickness insurance system, as the economic protection of working mothers forms part of this system.

The report includes statistical data for 1953 and 1954, showing separate figures for the agricultural, commercial and industrial sectors on the number of insured persons, cases of absence from work, number of days of absence, incidence of confinement, average length of absence and index of absence.

#### *Luxembourg.*

In 1954 the female staff of the labour inspection service carried out 276 control visits in 238 undertakings covering handicrafts, small-scale industry and commerce.

#### *Nicaragua.*

Section 130 of the Labour Code prohibits the dismissal of a woman worker on account of pregnancy or because she is nursing a child. Any dismissal for legitimate reasons is subject to the previous approval of the labour inspector.

With a view to determining the probable date of confinement pregnant women are medically examined by the Department of Medicine and Hygiene, headed by a physician specialised in occupational diseases.

During the period under review the Superior Labour Court of the Republic gave one judgment applying section 130 of the Labour Code.

#### *Rumania.*

Constitution of the Rumanian People's Republic of 5 April 1948, section 83 (L.S. 1948—Rum. 1).  
Labour Code of 30 May 1950, sections 88 to 92 (L.S. 1950—Rum. 1).  
Decree No. 106 of 29 April 1950 to establish State family assistance.  
Decision C.C.S. No. 3 of 1952, section 2.

Section 83 of the Constitution provides that the State shall defend the interests of the mother and child by granting assistance to mothers of large families and mothers who alone are responsible for their children, by granting holidays with pay to pregnant women, and by establishing maternity hospitals and day nurseries for infants and children.

These provisions of the Constitution are implemented by the Labour Code of 30 May 1950, which provides that pregnant women shall be entitled to a paid holiday of 35 days before and 45 days after confinement, and that the latter period may be extended on medical advice up to 55 days.

Pregnant women and nursing mothers are assigned to lighter work; in addition, the latter are allowed intervals every three hours without any decrease in pay. During their period of pregnancy the women are given the necessary medical care and are hospitalised free of charge. They also receive grants for the layette and for feeding the baby.

Day nurseries have been set up for infants and children, who are taken care of while the mothers are at work.

Decree No. 106 of 29 April 1950 established State family assistance for large families and for mothers who alone are responsible for their children.

The employment contract of a woman who, following the confinement and birth, has been absent from work for longer than three months because of temporary working incapacity, may be cancelled, but in this case the woman continues to receive the State social insurance benefit until she has completely recovered.

#### *Uruguay.*

Uruguay has denounced this Convention.

#### *Yugoslavia.*

Act of 24 November 1954 respecting health insurance for wage and salary earners (L.S. 1954—Yug. 2).

The Act of 24 November 1954 abolished the waiting period required under the previous legislation in order to be eligible for maternity benefits. Under the new Act an insured person is entitled not only to medical care but also to benefits amounting to 100 or 80 per cent. of her wage (depending on how long she has been a member of the scheme) for 90 days (generally 45 before confinement and 45 after), and to an allowance for loss of earnings during any time in which she may be unable to work after her post-confinement maternity leave.

The report states that, between July 1954 and June 1955, 820,700,000 dinars were paid out in the form of allowances for loss of earnings during maternity leave.

The report from *Colombia* reproduces the information previously supplied.

## 4. Night Work (Women) Convention, 1919

*This Convention came into force on 13 June 1921*

Countries	Date of registration of ratification
Afghanistan . . . . .	12. 6.1939
Albania . . . . .	17. 3.1932
Argentina . . . . .	30.11.1933
Austria . . . . .	12. 6.1924
Belgium <sup>1</sup> . . . . .	12. 7.1924
Brazil <sup>2</sup> . . . . .	26. 4.1934
Bulgaria . . . . .	14. 2.1922
Burma <sup>3</sup> . . . . .	14. 7.1921
Ceylon <sup>3</sup> . . . . .	8.10.1951
Chile . . . . .	8.10.1931
Colombia . . . . .	20. 6.1933
Cuba . . . . .	6. 8.1928
Czechoslovakia . . . . .	24. 8.1921
France <sup>1</sup> . . . . .	14. 5.1925
Greece <sup>2</sup> . . . . .	19.11.1920
Hungary <sup>2</sup> . . . . .	19. 4.1928
India . . . . .	14. 7.1921
Ireland <sup>1</sup> . . . . .	4. 9.1925
Italy . . . . .	10. 4.1923
Luxembourg . . . . .	16. 4.1928
Netherlands <sup>1</sup> . . . . .	4. 9.1922
Nicaragua . . . . .	12. 4.1934
Pakistan <sup>4</sup> . . . . .	14. 7.1921
Peru . . . . .	8.11.1945
Portugal . . . . .	10. 5.1932
Rumania . . . . .	13. 6.1921
Spain . . . . .	29. 9.1932
Switzerland <sup>1</sup> . . . . .	9.10.1922
Union of South Africa <sup>1</sup> . . . . .	1.11.1921
United Kingdom <sup>5</sup> . . . . .	14. 7.1921
Uruguay <sup>1</sup> . . . . .	6. 6.1933
Venezuela <sup>2</sup> . . . . .	7. 3.1933
Viet-Nam . . . . .	6. 6.1953
Yugoslavia . . . . .	1. 4.1927

<sup>1</sup> Has denounced this Convention and has ratified Convention No. 89.

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

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

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

<sup>5</sup> Has denounced Conventions Nos. 4 and 41.

#### *Afghanistan.*

The Government states that the Night Work (Women) Convention, 1919 (No. 4) has been incorporated in the revised edition of the Labour Act. However, the industrial development of the country does not permit of the employment of women in industry.

The Labour Department is responsible for the enforcement of the Convention.

#### *Argentina.*

Sixty-nine infringements of the relevant provisions were reported in the federal capital and 141 in the provinces.

#### *Chile.*

On 29 November 1954 the Government submitted to Congress for approval 26 Conventions recently adopted by the Conference, including the Night Work (Women) Convention (Revised), 1948 (No. 89). As soon as the approval of Congress has been obtained the Government will proceed to the formal ratification of these Conventions and will denounce Convention No. 4.

In 1952 the number of women covered by the Convention was 164,760.

#### *Cuba.*

During the period under review labour inspec-

tors carried out 94 visits in the course of which they reported 620 infringements of the prohibition of night work for women; 144 sentences were passed.

#### *Czechoslovakia.*

Government Ordinance No. 19 of 1951 (Executive Notice No. 342 of 1951) to replace Ordinance No. 226 of 1949.

The report for the period 1953-54 refers to previous reports in which the Government supplied the following information. The regulations contained in Ordinance No. 19 of 1951 differ from those in Ordinance No. 226 of 1949 in that they do not limit the possibility of changing working hours to the winter only. In addition, these regulations extend the number of reasons for which working hours may be changed (e.g. in order to ensure the regular transport of workers to their place of employment, and to maintain supplies of electricity, gas or steam). If, in consequence of such changes, it is temporarily necessary to have recourse to night work, women over 18 years of age (except pregnant women and mothers of children under six years of age) may be employed during the night.

The report adds that the above-mentioned measures—which in all cases are of a temporary nature—have been necessitated by the great expansion of the country's industrial production, and by the exceptionally heavy consumption of electric power during the winter and during the threshing period in the summer. However, in order to ensure that the changes involved are strictly limited to the periods in question and that the interests of the workers are fully respected at the same time, the Ministry of Labour may authorise the change of working hours—either as a general measure or for specialised branches of industry—only in agreement with the trade union movement; specific measures in factories must be carried out with the approval of the competent organs of the trade union organisations.

As regards the observations made in 1955 by the Committee of Experts on the Application of Conventions and Recommendations, the report for 1954-55 refers to the report on Convention No. 89.

#### *India.*

See under Convention No. 89 for details of the number of women employed in 1952 and 1953 in factories covered by the Factories Act and in mines.

The Factories (Amendment) Bill, referred to in the report for 1952-53, has been enacted and has become law.

#### *Luxembourg.*

As regards the activities of the Labour and Mines Inspectorate see under Convention No. 3.

#### *Nicaragua.*

The report states that during the period under review the provisions of sections 126 and 127 of the Labour Code (which prohibit the employ-

ment of women by day and at night in mines and in tasks listed as beyond the strength of women) were applied in practice.

The labour inspectors devote special attention to ensuring, by means of appropriate measures, that employers comply with the legislation.

#### *Peru.*

Supreme Decree of 30 April 1954.

In accordance with section 26 of Act No. 2851 of 23 November 1918 the executive power, may, in exceptional cases, authorise night work by women for eight hours per day in hospital establishments, at home or in workshops, when they are employed by or on behalf of persons carrying out work under a government contract or award, by local authorities or by any other public service.

During the period 31 July 1953 to 30 June 1954 a large number of inspections were carried out in workplaces employing female staff. The number of women covered by the law during this period was 10,759.

In reply to the observations made by the Committee of Experts in 1951, 1952, 1953, 1954 and 1955, the Government states that, without waiting for the draft Labour Code to come into force, it will inform the Office at a later date of the action it intends to take with a view to amending section 10 of Act No. 2851 in order to bring it into harmony with Articles 3 and 4 of the Convention. It also states that it intends

to put the draft Labour Code into force in the shortest time possible.

#### *Portugal.*

The Labour Inspectorate reported eight contraventions of the relevant provisions during the period under review.

#### *Uruguay.*

Uruguay has denounced this Convention.

#### *Yugoslavia.*

The report confirms the statement made by the Government representative to the Conference Committee in 1955, and adds that the Federal Executive Council examined the draft of a special decision respecting the prohibition of night work for women. This decision was accepted in principle, but up to the present its promulgation has not been possible as it is awaiting the adoption of the Instruction issued under the decision to provide for authorised exceptions. In this connection a special investigation was carried out in a number of industries where a considerable number of women are employed, in order to find a solution which would satisfy the interests both of the women themselves and of the community.

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

*Austria, Burma, Colombia, France, 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
India . . . . .	9. 9. 1955
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 . . . . .	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 denounced this Convention and has ratified Convention No. 59.

#### *Argentina.*

During the period under review 326 infringements were reported.

#### *Austria.*

During 1954, 19 infringements of the minimum age regulations for the employment of young persons in various branches of industry came to light.

The Congress of Chambers of Labour has informed the Government that the Employment of Children and Young Persons Act of 1948 is, in their opinion, a satisfactory measure. A number of difficulties which arose out of the continuation until 1952 of measures dating from the time of the Reich, under which young persons could be released from compulsory schooling before their 14th birthday if they had completed eight years at school and wished to become apprentices or enter a job, have been removed, in principle, by the Act of 13 February 1952, which will take full effect in 1960.

#### *Belgium.*

During the period under review the number of children employed in the 24,512 industrial establishments visited by the labour inspectorate was 13,228. There were 19 infringements of the law by employers and 16 by parents or guardians ; three legal decisions were given.



*Bolivia (First Report).*

General Labour Act of 8 December 1942.  
Decree of 23 August 1943 to promulgate the regulations under the General Labour Act.

The admission of young persons to industrial employment is regulated by the provisions of the following sections of the General Labour Act :

52. The types of employment prohibited to women and young persons under 18 years of age by section 58 of the Act shall be those specified in sections 16, 17, 18, 19 and 20 of the regulations for the administration of the Presidential Decree of 21 September 1929, issued by the General Directorate of Public Health. Notwithstanding this the Ministry of Labour may grant special authorisations in specific cases.

53. Women and young persons under 18 years of age may not be employed in night work in industry. In occupations other than industrial occupations young persons under 18 years of age may not be employed between midnight and 5 a.m., and in any case shall enjoy a period of not less than 11 consecutive hours of rest. This shall not apply in the case of emergencies in which immediate action is necessary. Notwithstanding the above the Ministry of Labour may grant special authorisations in specific cases.

58. It shall not be lawful to employ children of either sex, under the age of 14 years, except in the case of apprentices. Young persons under the age of 18 years shall not be employed on work exceeding their physical strength or likely to endanger their normal physical development.

59. Women and young persons shall not be employed on dangerous, unhealthy or heavy work or in any occupation liable to be detrimental to their morals.

60. Women and young persons under the age of 18 years shall be employed during the day only. This provision shall not apply to nursing, domestic service and such other occupations as may be specified hereafter.

63. Employers who employ women and young persons shall take all measures to ensure health and hygienic conditions in their employment. In the event of a contravention of any of the provisions of this chapter, proceedings may be instituted by public authority and in particular by the societies for child welfare and the protection of maternity.

The Ministry of Labour and Social Welfare is responsible, through the Inspectorate of Labour at La Paz and the regional inspectors in the major industrial areas of the country, for the implementation and enforcement of the foregoing legal provisions.

*Brazil.*

During the period under review 26 infringements of section 403 of the Labour Code were reported.

*Chile.*

During the period under review 13 infringements of the principles laid down by the Convention were reported.

*Colombia.*

The Labour Code provides that hours of work may not exceed six per day for young persons of 16 years of age.

In response to the observations and to the requests from the Committee of Experts for supplementary information, the Government supplies, *inter alia*, the following details.

Legislative Decree No. 105 of 1953 was promulgated in order to ensure more effective control of the employment of young persons under 18 years of age. Section 5 of this Legislative Decree provides that every employer having in his service one or more young persons under 18 years of age must supply them with a work book which must contain, *inter alia*, particulars of their name, wages and hours of work.

*Cuba.*

During the period under review 456 inspections were carried out; 110 infringements were reported; and 68 decisions were given against employers illegally employing young persons.

*Denmark.*

Act No. 226 of 11 June 1954, respecting workers' protection generally (L.S. 1954—Den. 1).

The previous legislation on occupational safety and health has been superseded as from 1 April 1955 by the above-mentioned Act.

The minimum age continues to be 14 years. The administrative regulations issued under the previous legislation, as subsequently amended, remain in force until amended or repealed.

The Act of 1954 provides that the Minister of Social Affairs may fix a minimum age higher than 14 years for the employment of young persons on work which, having regard to its nature or the circumstances in which it is performed, involves a risk to the life, health and development or morals of young persons. Rules on the subject are being drawn up at present.

*Article 1 of the Convention.* The occupations listed in the Convention are covered by the legislation, apart from transport by inland waterway, as the 1954 Act does not apply to certain work carried out by seafarers, which is classed as service on board ship. Such transport, however, is very rare in Denmark. In cases of doubt the Minister of Social Affairs may, after discussion with the Director of Labour Inspection and the Labour Council, decide how far certain types of undertakings or employment come under this Act or its various divisions. Appeals against decisions of the Minister of Social Affairs may be brought before the courts within six weeks.

*Article 2.* The minimum age provision does not apply to work consisting solely of messenger duties and work which is carried out only by such members of the employer's family as belong to his household, unless these latter are employed on dangerous machines, apparatuses, containers, etc., and in wells, pits, tunnels, etc.



*Article 3.* The new legislation does not provide for the exception allowed under this Article.

*Article 4.* Before engaging a person under 18 years of age for work other than messenger duties, the employer shall ascertain that person's age by obtaining a birth certificate. Every undertaking employing persons under 18 years of age otherwise than on messenger duties shall ensure that, not later than four weeks after engagement, such young persons are provided with a work book, in cases where no apprenticeship contract has been concluded. For certain groups of workers or certain fields where it appears superfluous for young persons to be provided with work books, the Minister of Social Affairs, after discussion with the Director of Labour Inspection and the Labour Council, may decide that work books are not necessary. So far, however, no detailed rules have been laid down on the subject.

The legislation provides that undertakings shall keep registers, including registers relating to young persons, to the extent laid down by the Minister of Social Affairs. So far, however, no rules have been laid down on the keeping of such registers.

Supervision of the application of the legislation is exercised by the Labour Inspectorate under the guidance of a directorate placed under the Minister of Social Affairs and headed by the Director of the Labour Inspectorate, and by the local inspection services. In addition, the police also assist the Labour Inspectorate in this supervision.

The local school commissions are also required to assist the Labour Inspectorate in the exercise of its activities according to rules to be laid down by the Minister of Social Affairs. So far, however, no such rules have been drawn up. Eleven prosecutions were instituted for contraventions of the minimum age provisions.

#### *Greece.*

During the period from 1 January 1954 to 31 June 1955 the number of work books issued to young workers by certain labour inspection offices was 2,453.

For information regarding the inspection service see under Convention No. 1.

#### *Israel.*

The employment of children under 14 years of age is quite exceptional in occupations to which the Convention applies. These exceptions concern in general children completing elementary education a few months before attaining the age of 14 years and starting paid work immediately.

In the year under review some progress was made in distributing work books but the number of children in possession of the work book is still rather small.

Whereas the provisions as to minimum age are practically observed in all major industrial undertakings, there are in small workshops a few cases of employment below the minimum age.

The Committee of Experts inquired as to whether regulations to give effect to Article 4 of the Convention have been issued. Draft

regulations in this respect have already been drawn up and approved by the Labour Inspectorate; they will be published in the near future, after consultation with the Working Youth Council established under the Act. The regulations make it compulsory for every employer, except in agriculture and domestic service, to keep a register of all children employed and containing particulars as to the age, hours of work, the number of the work book and attendance at evening classes organised for young workers.

#### *Japan.*

Ministry of Labor Order No. 16, dated 19 June 1954, to amend the Ordinance on Labor Standards for Women and Minors.

The above-mentioned Order No. 16 provides that the worker must submit to the employer a certificate of the census register at the time of his engagement; it does not affect the application of the Convention.

#### *Luxembourg.*

See under Convention No. 6 for information relating to inspection.

#### *Netherlands.*

During 1954, 490 reports were received regarding infringements of section 9 of the Labour Act of 1919. Of these, 24 were sent in by the Labour Inspectorate, 316 by the communal police and 150 by the national police. These reports showed that 587 children, some of whom were of school age, had been illegally employed. In addition, 169 warnings were given to parents to take care that their children did not perform any prohibited work.

#### *Nicaragua.*

The report states that the provisions of the Labour Code concerning the minimum age of young persons employed in industry are effectively applied in Nicaragua, and that labour inspectors keep a sharp look-out for infringements of these provisions on the part of employers of young workers. The latter are required to attend the free state primary schools.

#### *Norway.*

See under Convention No. 59.

#### *Rumania.*

Labour Code of 30 May 1950 (L.S. 1950—Rum. 1). Decision No. 91 of the Council of Ministers of 28 January 1955, respecting the reorganisation of training facilities for skilled workers.

Under section 86 of the Labour Code children under 14 years of age are not allowed to work, while young persons between the ages of 14 and 16 may do so with the consent of their parents or guardians and the approval of a doctor.

The above Decision of the Council of Ministers provides for the organisation of vocational schools for apprentices, technical schools for skilled workers and technicians, and technical schools for foremen attached to large under-

takings, factories, plants, government departments, etc. These schools are open to children aged between 14 and 16 who have completed seven years' primary schooling.

Switzerland.

With respect to the scope of the Factories Act the Federal Court ruled on 17 December 1954 that three screw-cutting firms were subject to the Act as they use automatic machines and therefore clearly fall under the heading of factories.

During the period under review the number of factories subject to the Act rose slightly, from 11,538 on 1 July 1954 to 11,682 on 30 June 1955. The number of factory workers rose from 551,851 in mid-September 1953 to 564,311 in mid-September 1954. It is highly probable that

the number of those subject to the Act respecting the minimum age for admission to employment rose in the same proportion. A general census of establishments was carried out on 25 August 1955.

The federal inspectors reported four convictions under the Act, with fines ranging from 20 to 100 francs.

Uruguay.

Uruguay has denounced this Convention.

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

Ceylon, Czechoslovakia, Dominican Republic, France, Ireland, Poland, United Kingdom, 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 . . . . .	6. 8.1928
Denmark . . . . .	4. 1.1923
France . . . . .	25. 8.1925
Greece . . . . .	19.11.1920
Hungary . . . . .	19. 4.1928
India . . . . .	14. 7.1921
Ireland . . . . .	4. 9.1925
Italy . . . . .	10. 4.1923
Luxembourg . . . . .	16. 4.1928
Mexico . . . . .	20. 5.1937
Netherlands <sup>3</sup> . . . . .	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 and has not ratified Convention No. 90.  
<sup>3</sup> Has denounced this Convention and has ratified Convention No. 90.  
<sup>4</sup> See footnote 3 to Convention No. 1.

Argentina.

During the period under review 208 conventions were reported.

Austria.

Federal Act of 26 November 1954 to extend until 31 December 1955 the validity of the Federal Act of 9 July 1953, modifying Federal Act No. 146 of 1 July 1948 respecting the employment of children and young persons (L.S. 1948—Aus. 3).

During the year 1954 the authorities reported 154 infringements of the regulations concerning night work. The report lists the branches of activity in which these infringements occurred.

The Austrian Congress of Chambers of Labour has informed the Government that the Federal Act respecting the employment of children and young persons ensures the satisfactory application of the Convention, but that the labour inspectorate should show greater strictness in enforcing the provisions dealing with the night work of young persons in establishments where apprentices are fed and housed, particularly in bakeries and establishments manufacturing meat products. The Congress also requested that the penalties on offenders should be more strictly applied.

Belgium.

During the period under review the number of young persons employed in the 24,512 industrial establishments visited by the Labour Inspectorate was 25,202, of whom 13,228 were between 14 and 16 years of age and 11,974 between 16 and 18 years. Twelve infringements of the legislation were reported ; the courts gave three decisions. Only a strictly limited use was made of the exceptions allowed under Articles 2, 3 and 4 of the Convention.

Brazil.

During the period under review there were 53 infringements of section 404 of the Consolidation of Labour Laws prohibiting the night work of young persons under 18 years of age.

Chile.

In 1954 two infringements of the principles of the Convention were reported. There is no information available regarding the exact number of minors protected by the legislation. The number can, however, be estimated from the general census of the population which showed that the number of gainfully employed adolescents under 19 years of age was 244,500.

*Denmark.*

Act No. 226 of 11 June 1954 respecting workers' protection generally (L.S. 1954—Den. 1).

The previous legislation on industrial safety and health has been superseded as from 1 April 1955 by the provisions of the above-mentioned Act.

The rules relating to the nightly rest of children and young persons correspond in all essentials to the provisions of the previous legislation on the employment of children and young persons.

*Article 1 of the Convention.* Building and construction activities are not covered by the general prohibition against the night work of young persons in industry and trade. However, where young persons are employed in any field not covered by the Act, and the Minister of Social Affairs considers that restrictions are necessary or desirable, he may prescribe them after discussion with the trade organisations concerned and with the Director of Labour Inspection and the Labour Council. However, this is hardly necessary in the case of building and construction activities, as young persons are not so employed at night.

*Article 2.* In conformity with the 1954 Act young persons under 18 years of age are not required to work between 6 p.m. and 6 a.m. in any industrial commercial or transport undertaking. This provision does not apply to the employment of young persons on work which is carried out only by such members of the employer's family as belong to his household. As regards the exceptions which may be granted subject to certain conditions, the report gives information which is analogous to that supplied in previous reports and adds that, so far, no use has been made of the right to grant exceptions.

In addition, the Minister of Social Affairs may, on receipt of an application therefor and with the advice of the Director of Labour Inspection and the Labour Council, permit male workers who have attained the age of 16 years, if it is considered necessary for their vocational training, to participate between 6 p.m. and 6 a.m. in operations which by their nature are necessarily continuous, in the following undertakings: iron and steel factories, glassworks, paper mills and sugar refineries.

*Article 3.* Young persons under 18 years of age may not be employed in workshops attached to bakeries, pastrycooks' shops or confectioners' establishments between the hours of 8 p.m. and 4 a.m. (apprentices 6 p.m. and 4 a.m.); the young persons concerned must be given a rest period of 12 consecutive hours in every 24. Moreover, work in bakeries and confectioners' establishments is prohibited also for adult workers between the hours of 8 p.m. and 4 a.m.

Young persons under 18 years of age must not be employed in dairies between the hours of 8 p.m. and 5 a.m. and must be given a rest period of not less than 11 hours in every 24.

At distribution centres, warehouses, etc., young persons under 18 years of age may not be required to work before 6 a.m. or after the statutory closing hour in the evening.

For information regarding the authorities responsible for supervising the enforcement of the legislation, see under Convention No. 5.

Apart from a few reports of the inspection services concerning infringements of the provisions in force concerning the nightly rest of young persons, no reports relevant to the practical application of the provisions of the Convention have been received during the period under review.

Three actions were brought for contraventions reported in bakeries; one of them was notified to the inspection service by the local workers' trade organisation.

*Hungary.*

In reply to the observations made by the Committee of Experts in 1955 the Government states that, as the result of the manpower shortage in various sectors of the national economy, it is not in a position to prohibit completely the night work of young persons between 16 and 18 years of age. However, the Government has taken measures to ensure that when young persons are employed on night work, such work shall not be prejudicial to their health. The competent authorities are at present examining the possibility of giving full effect to the Convention.

The report gives the text of the provisions of sections 101 and 102 of Legislative Decree No. 25 of 1953, which amended the Labour Code. These provisions lay down, in particular, that young persons may not be employed in any occupations which are likely to prejudice their health or which involve considerable physical efforts.

Young persons under 16 years of age and apprentices, whatever their age, may not be employed at night. Workers who are over 16 but under 18 years of age must, as far as possible, be exempted from night work everywhere. Young persons under 16 years of age and apprentices, whatever their age, may not work overtime, even in cases where they make the request themselves. Throughout the period of his employment a young worker must undergo a medical examination once a year; in the case of young workers employed at night, the medical examination takes place every two months. If the medical practitioner states that the young person is not in a fit state of health to enable him to carry out the work for which he is engaged, he is transferred to other work; where the medical report states that the young person is not in a fit state to work at night, he may not be employed on night work before the age of 18 years.

The report adds that, according to available statistics, about 15 per cent. of the total number of young persons aged between 16 and 18 years of age are employed at night. This number represents not even 1 per cent. of the total number of workers employed on night work.

*India.*

See under Convention No. 90.

*Ireland.*

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

*Luxembourg.*

The annual report of the Labour and Mines Inspection Service for 1954 shows that the female staff of the labour inspection service carried out 276 control visits in 238 undertakings covering handicrafts, small-scale industry and commerce.

*Netherlands.*

During 1954 there were 12 prosecutions of employers who had employed 49 young persons between the hours of 10 p.m. and 6 a.m. The fines inflicted ranged from 10 to 560 florins.

*Nicaragua.*

The report states that during the period under review the Convention was applied and that night work by young persons in industrial establishments was not authorised for any reason whatsoever.

*Portugal.*

During the period under review 27 contraventions of the relevant legislation were reported.

*Switzerland.*

For statistical information and the scope of the Factories Act, see under Convention No. 5.

During the period under review two infringements of the law were reported and, on prosecution, the offenders were sentenced to pay fines ranging from 30 to 60 francs.

The reports from the cantons mentioned in the Committee of Experts' report in 1955 respecting the enforcement of the Act dealing with the employment of young persons and women in arts and crafts in 1952 and 1953 have been forwarded to the Office.

These show that in a number of cantons, particularly those of Zürich, Lower Unterwalden, Glaris, Fribourg, Solothurn, Schaffhausen, St. Gall and Aargau, it has been found difficult to enforce the ban on night work in the case of bakers' apprentices. A number of cantons, particularly Zürich, Aargau, Fribourg, Solothurn and St. Gall, have taken steps to eliminate these abuses. The canton of St. Gall, for example, states that, following the circular issued on 27 October 1952 by the Federal Department of Public Economy, the Cantonal Apprenticeship Board circularised master bakers on 7 April 1953 requesting strict observance of the law and the inclusion of an appropriate clause in articles of apprenticeship.

Extracts from the reports of the federal factory inspectors for the years 1953 and 1954 have also been supplied by the Government.

*Uruguay.*

Uruguay has denounced this Convention.

*Yugoslavia.*

Decision of the Federal Executive Council of 14 June 1955 respecting the prohibition of the employment of young persons during the night in industry, building and transport.

*Article 1 of the Convention.* According to the list of economic activities drawn up by the Federal Office of Statistics in November 1954,

the term "industrial undertakings" covers all industrial undertakings, including undertakings for transforming materials, for the extraction of minerals, and mines. However, the term does not cover building and transport undertakings and, for this reason, section 1 of the Decision respecting the prohibition of night work for young persons lays down explicitly that the prohibition covers industrial, building and transport undertakings. In this way the application of the provisions of the Convention is secured for all the types of activity indicated in Article 1.

The defining of the line of division between activities, as required by paragraph 2 of Article 1 of the Convention, is indicated in the list of economic activities, which is valid throughout the country. This list is not in the nature of a general instruction, but it reflects the usual practice and, at the same time, exercises a certain influence on that practice.

*Article 2.* Paragraph 1 of the above-mentioned Decision lays down that young persons under 18 years of age shall not be employed during the night in industrial, building or transport undertakings.

The possibility granted by paragraph 2 of this Article is not provided for either by this or any other Decision.

*Article 3.* Paragraph 6 of the Decision defines the term "night" as a period of not less than 12 consecutive hours, which must include the period from 10 p.m. to 6 a.m. for children under 16 years of age, and a period of seven hours between 10 p.m. and 6 a.m. for young persons between 16 and 18 years of age.

There is no exception as regards night work in coal and lignite mines.

No account is taken of the possibility provided by paragraph 3 of this Article, since night work in the baking industry is not prohibited for anyone.

*Article 4.* Paragraph 2 of the Decision lays down that, as an exception to the provisions of paragraph 1, young persons between the ages of 16 and 18 years may be employed during the night in the following cases: (a) when their apprenticeship or vocational training requires it in specified industries or operations where continuous work is necessary; (b) in cases of *force majeure* when the emergency could not have been foreseen and is not of a periodical character and interferes with the normal working of the undertaking; and (c) when in cases of serious emergency the public interest demands it.

With regard to the first of these exceptions night work is authorised, on the proposal of the board of management of the undertaking, only by the People's Committee of the district (or commune) on the territory where the undertaking is situated, and after consultation either with the competent chamber or with the occupational organisation. In the latter case, the night work is approved by the board of management of the undertaking (paragraphs 3 and 4 of the Decision).

The temporary exceptions mentioned under (b) must be authorised by the Federal Executive Council or by the body appointed by it for this

purpose, after consultation with the Central Council of the Confederation of Yugoslav Trade Unions and either the Federal Chamber of Industry or the Federal Chamber of Building and Civil Engineering (paragraph 5 of the Decision). In this case, the proposal for the exception may be submitted by the people's committee of the district (or commune) on the territory where the undertaking is situated, either at the request of the undertaking or on its own initiative, and by the Executive Council of the People's Republic.

The decision of the Federal Executive Council may refer to one branch of the economy or to one specific undertaking, to single sources of motive power or to units of labour, or else to sections of an undertaking or to specified branches of the economy.

Paragraph 7 of the Decision provides that when exceptions to the prohibition of night work are used for the purposes of apprenticeship or vocational training, the rest period granted between two periods of work—including the period of night work—must not be less than 13 consecutive hours.

From the foregoing it may be seen that night work for young persons may only be approved in exceptional cases, and when it is entirely necessary. Further, the procedure for the appro-

val of exceptions ensures the application of the existing provisions on the matter. The prescribed rest ensures the minimum time necessary for restoring the physical and mental forces of the young workers.

The exceptions to the prohibition of night work for young persons provided by the Decision were drafted in the spirit of the Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90).

*Article 7.* The report refers to the information supplied under point (c) with respect to Article 4 of the Convention.

The agencies of the labour inspectorate carry out the supervision of the application of the provisions mentioned above, and the boards of management of economic undertakings also ensure enforcement. The Labour Inspection Act of 1 December 1948 determines the organisation and working of the labour inspection service.

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

*Burma, Cuba, France, Greece, 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 . . . . .	2. 2.1925
Brazil . . . . .	8. 6.1936
Bulgaria . . . . .	16. 3.1923
Canada . . . . .	31. 3.1926
Ceylon . . . . .	2. 9.1950
Chile . . . . .	18.10.1935
China . . . . .	2.12.1936
Colombia . . . . .	20. 6.1933
Cuba . . . . .	6. 8.1928
Denmark . . . . .	12. 5.1924
Dominican Republic . . . . .	4. 2.1933
Finland . . . . .	10.10.1925
Federal Republic of Germany <sup>1</sup>	11. 6.1929
Greece . . . . .	16.12.1925
Hungary . . . . .	1. 3.1928
Ireland . . . . .	4. 9.1925
Italy . . . . .	14. 7.1932
Japan . . . . .	7. 6.1924
Luxembourg . . . . .	16. 4.1928
Mexico <sup>2</sup> . . . . .	17. 8.1948
Netherlands <sup>2</sup> . . . . .	26. 3.1925
Nicaragua . . . . .	12. 4.1934
Norway . . . . .	7.10.1927
Poland . . . . .	21. 6.1924
Rumania . . . . .	8. 5.1922
Spain . . . . .	20. 6.1924
Sweden . . . . .	27. 9.1921
United Kingdom . . . . .	14. 7.1921
Uruguay <sup>2</sup> . . . . .	6. 6.1933
Venezuela . . . . .	20.11.1944
Yugoslavia . . . . .	1. 4.1927

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

<sup>2</sup> Has denounced this Convention and has ratified Convention No. 58.

#### Australia.

Navigation (Master and Seamen) Regulations, issued under the Navigation Act, 1912-1953.

Under Regulation No. 6 of the above legislation the shipmaster must, in the articles of agreement, state the names and dates of birth of all the persons under the age of 18 years employed on board.

#### Belgium.

See under Convention No. 58.

#### Ceylon.

In reply to the observations made in 1955 by the Committee of Experts the Government states that the presumption of the Committee is correct (namely that the recording in the articles of agreement of all young persons under 18 years of age employed on board vessels is taken only as a precaution in so far as Convention No. 7 is concerned).

#### Chile.

Regulation No. 178 of 5 February 1949 implementing the provisions of the Labour Code dealing with the articles of agreement of seafarers.

Under sections 3 and 10 of this Regulation any person who signs on as a seaman must first obtain a sailing permit. This permit is only issued if the individual concerned has fulfilled his obligations in regard to naval or military service, which is carried out at the age of 18 years. It therefore follows that youths under the age of 18 cannot be employed on board ship.

#### China.

Civil Code (sections 12, 13, 77, 78 and 79).  
Merchant Shipping Act of 30 December 1929 (L.S. 1929—Chin. 3).

*Article 1 of the Convention.* In virtue of section 2 of the Merchant Shipping Act the term "vessel" does not include (a) ships or boats of less than 20 tons or whose cubic capacity falls below 200 piculs<sup>1</sup>; (b) those engaged exclusively in government service; (c) those propelled mainly by sculls.

*Article 2.* Under the provisions of the Civil Code the employment of young persons under 20 years of age must be approved by their legal guardians or representatives. At present no shipping companies employ children on board vessels.

*Article 3.* Section 2 of the Merchant Shipping Act is in general in conformity with the provisions of this Article.

*Article 4.* The registration requirements, as provided for in this Article, have been met; however no children are at present employed on board vessels.

Although there is no statutory restriction on the age of seamen, stokers and other workers employed on board vessels, such persons must as a rule be 16 years of age or over. Children over 14 years of age may enter apprenticeship or become learners on board a vessel but they are employed only on light work.

#### Colombia.

There is no provision in the regulations of the Grand Colombian Merchant Navy prohibiting the employment of young persons under the age of 14. Nevertheless, it is not the practice of the merchant navy to employ such persons

<sup>1</sup> One picul=133<sup>1</sup>/<sub>3</sub> lb

and this has been verified by inspectors of the Ministry of Labour.

Cuba.

The number of persons under 18 years of age who entered the shipping industry during the period under review was 37; the number of inspections carried out was 83.

Federal Republic of Germany.

The report states that the Convention is applied in West Berlin.

Japan.

The number of regional maritime bureaux and offices at which maritime labour inspectors are posted rose to 74, representing an increase of two over the previous year. A total of 16,080 vessels and places of work were inspected during the period under review; this was 83.7 per

cent. of the vessels covered by the Mariners' Law.

Nicaragua.

In application of the Convention, which has been ratified by Nicaragua and which has been given force of law, special care is taken to ensure that children under 12 years of age are not admitted to employment at sea on account of the risks and dangers entailed by work of this kind.

Uruguay.

Uruguay has denounced this Convention.

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

Argentina, Brazil, Canada, Denmark, Dominican Republic, Finland, Greece, Hungary, Ireland, Italy, Luxembourg, Norway, Poland, Sweden, United Kingdom, Yugoslavia.

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
Japan . . . . .	22. 8.1955
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

Belgium.

Approximately 5,000 seafarers are covered by the legislation. Three trawlers and one merchant ship were lost through shipwreck during the period under review, giving rise to 13 payments of compensation.

Chile.

Between 1 January 1954 and 30 June 1955 there were four shipwrecks, in which a total of 28 officers and 61 seamen were involved. In all, they were paid compensation amounting to 3,296,000 pesos. The legislation gives protection to 1,763 officers and 2,231 seamen.

Cuba.

The number of seamen in active employment during the period under review was 2,237; seven vessels were lost or shipwrecked.

Finland.

During the period under review eight accidents occurred, of which five concerned ships engaged in inland navigation.

France.

The unemployment indemnity is payable to all seafarers irrespective of their country of origin—Metropolitan France, the Overseas Territories or foreign countries—who are deprived of their employment on account of the loss or foundering of the ship; 45,000 seafarers are covered by the Convention.

Federal Republic of Germany.

The report states that the Convention is applied in West Berlin.

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

Argentina.

In reply to the observation made by the Committee of Experts in 1955 (divergencies between article 1004 of the Commercial Code and Article 2, paragraph 2, of the Convention), the Government states (1) that the study of the reform of the Labour Code is being pursued; and (2) that under Act No. 11728 article 1004 is no longer valid; in consequence, seafarers retain their entitlement to wages where the vessel is lost through capture, confiscation or shipwreck.

*Greece.*

During the period under review three large ships and one motor vessel were wrecked ; about 65 seamen received the statutory compensation.

*Italy.*

During the period under review 23 ships were lost through shipwreck ; compensation was paid to 130 seafarers in accordance with Article 2 of the Convention.

*Mexico.*

Section 221 of the Public Transport Act provides that harbourmasters may not authorise the sailing of any vessel where the shipowner (or his representative) does not show that the crew is covered by accident insurance. The report adds that, in virtue of this section, the provisions of the Convention are complied with, since the harbourmasters only authorise the sailing of vessels so insured.

The number of workers protected by the legislation is 5,560 in lake, inland water and coastwise shipping, port installations and other maritime employment, and 1,535 on the high seas.

*Netherlands.*

During the period under review 12 vessels were wrecked. All the survivors were paid compensation in accordance with the terms of the Convention.

*Norway.*

In reply to the observations made by the Committee of Experts the report states that, by virtue of the Royal Decree of 11 December 1936, section 41, paragraph 3, of the Seamen's Act of 17 July 1953 (which came into force on 1 January 1954) applies to seafarers who are citizens of States which have ratified the present Convention.

During the period under review about 67,400 Norwegian seafarers and about 12,200 seafarers of other countries signed on for service in the Norwegian merchant navy. The number of seafarers in service at the same time was about 38,000 Norwegians and 5,700 foreign nationals. Thirty-two vessels were lost at sea by shipwreck or by other causes, their aggregate tonnage being 21,000 gross register tons.

*Sweden.*

The report refers to the Government's letter of 23 May 1955 in response to the observations made by the Committee of Experts, and adds that the matter is still under consideration.

*Yugoslavia.*

In reply to the observations of the Committee of Experts in 1955, the report states that in Yugoslavia there is a special instruction which provides for compensation in the event of shipwreck. This does not mean, however, that the persons in question are protected materially against unemployment in the event of shipwreck. In fact, in Yugoslavia the shipowners are not private persons, since the vessels belong to the community. In consequence, the employee-employer relations do not cease merely owing to the fact that there has been a shipwreck ; the employment relations of the seamen with the undertaking-owner of the vessel remain unchanged. This is the case in particular when the seamen conclude with the undertaking-owner of the vessel articles of agreement, the duration of which cannot be less than six months and under the terms of which the employment relations of the seamen cannot terminate before the expiry of the prescribed period.

In this way, in the event of shipwreck the undertaking is obliged to pay the seamen their regular monthly wage up to the time when they go on board another vessel or until the expiry of the agreed period. If the shipwreck occurred at the time when the articles of agreement expired, the seaman is entitled to unemployment indemnity in accordance with the general provisions with regard to unemployment insurance ; he is granted this indemnity under certain specified conditions and without regard to the duration of the unemployment.

Seamen are therefore materially protected in the event of shipwreck, although the indemnity is not prescribed in the way provided for by Article 2 of the Convention.

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

*Australia, Canada, Ceylon, Colombia, Denmark, Ireland, Luxembourg, Nicaragua, Poland, United Kingdom, Uruguay.*

## 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 number of seafarers engaged during the period under review was 28,360. All vacancies were filled.

*Australia.*

Two new awards came into effect on 1 July 1955, one respecting the selection of seamen for employment by employers and the other prohibiting interference with the free and prompt selection of seamen.

During the year ended 30 June 1955 the number of seamen (including officers) engaged was 10,073; the total number of engagements and re-engagements of seamen (including officers) was 36,053, while the estimated daily average number of unemployed seamen (excluding officers) at the principal ports was 256.

*Chile.*

Supreme Decree No. 15 of 4 January 1955.

The total number of registered seamen and officers is 2,231 and 1,763 respectively, of whom 1,853 seamen and all the officers are actually at sea.

At present there are in operation in the principal ports of the country 22 free employment offices for port workers, six for seafarers and one for inland navigation workers.

*Colombia.*

With respect to the observations made by the Committee of Experts the Government states: (1) that the Grand Colombian Merchant Navy, which is the only merchant shipping in the country, strictly observes Article 2 of the Convention, since an undertaking of its standing cannot afford to infringe provisions of a social character; (2) that there are no agencies for the placing of seamen such as those referred to in Article 3 of the Convention; (3) that it would be useless to set up the free employment offices referred to in Article 4 of the Convention, since neither the merchant marine nor the navy can find the personnel they need, and, moreover, there is no demand for this type of employment; and (4) for this reason it is impossible at present to apply Article 5 of the Convention.

*Cuba.*

During the period under review the number of unemployed seamen in the port district of Santa Cruz del Sur was 15, while the number of seamen placed in employment by the appropriate organisations was also 15.

*Denmark.*

The total number of engagements effected by the six state shipping offices during the period under review was 15,843.

*Finland.*

Decision of the Ministry of Communications and Public Works of 16 April 1953.

New administrative measures were promulgated concerning the organisation of seamen's employment offices.

*France.*

During 1954 the seamen's employment office at Marseilles received 2,768 applications for employment and placed 408 persons, or 14.7 per cent., which is a decrease in comparison with 1953 (21.6 per cent.). On the other hand, the activities of the office at Nantes increased: 1,014 applications and 305 placings (30 per cent.).

*Federal Republic of Germany.*

New regulations concerning the organisation, administration and management of seamen's employment offices are to be issued shortly.

During the period under review a total of 31,145 seafarers (of whom 47 were foreigners) were placed by the seamen's employment offices and 5,524 by the labour exchanges. The total number of applications registered with the seamen's employment offices on 30 June 1955 was 2,104; there were 96 unfilled vacancies. On the same date the labour exchanges had 1,517 applications for work and 132 unfilled vacancies.

The report adds that the Convention is applied in West Berlin.

*Greece.*

During the period under review the total number of seafarers registered with the employment offices was 41,540; of these, 38,819 were placed in employment and 2,721 were still awaiting employment on 1 July 1955.

*Italy.*

The number of officers and seamen registered at the seamen's employment offices on 1 July 1954 was 78,194 (3,989 officers and 74,205 seamen); on 1 June 1955 the number was 82,695 (4,699 officers and 77,996 seamen).

*Japan.*

During the period under review a total of 12,880 seafarers (3,878 officers and 9,002 seamen) were placed in employment through the services of the Public Mariners' Employment Security Offices.

*Mexico.*

*Article 4 of the Convention.* The interests of workers are safeguarded through the obligations placed upon employers by the provisions of chapter 15 and section 29 of the Federal Labour Act.

*Article 5.* The fact that there are no special regulations in this respect does not mean that the provisions of this Article are not applied, since they are in fact given effect through collective labour agreements.

*Article 6.* Under section 140 of the Federal Labour Act all shipowners must, as employers, conclude agreements with the crew or with the trade union to which the majority of the crew belongs; the name of the vessel must be stated in the agreements.

*Netherlands.*

Decree of the Ministry of Social Affairs of 13 January 1951, authorising the operation of a free employment office for seafarers.

In 1951 the 1946 Mercantile Marine Foundation (*Koopvaardijstichting, 1946*) set up by the Shipping Control Board and its liaison committee were given authority under the above-mentioned decree to act as a free employment office for seafarers registering with it. The constitution of this Foundation and a copy of the decree are appended to the report.

During the period under review the various employment offices registered 5,309 applications, 8,342 vacancies and placed 3,617 persons.

#### *New Zealand.*

Shipping and Seamen Amendment Act, 1954.  
Labour Department Act of 1 October 1954.

The report refers to a minor amendment to the Shipping and Seamen Act, 1952. The Labour Department Act, 1954—which consolidates and modifies certain enactments relating to the Department of Labour (National Employment Service)—also replaces the Employment Act, 1945, mentioned in previous reports.

During the period under review the Department of Labour (National Employment Service)

placed 88 male workers in water transport undertakings (including waterfront workers).

#### *Norway.*

During 1954 the seamen's employment offices registered a total of 40,779 applicants and 41,263 vacancies, and placed 35,852 seafarers in employment.

#### *Sweden.*

During the period under review the number of applications for employment was 66,004 and the number of vacancies 40,545; 35,295 seafarers were placed in employment by the seamen's employment offices. In addition, 6,460 foreign seafarers applied for employment at these offices, of whom 4,828 were placed.

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

*Belgium, Luxembourg, Nicaragua, Poland, Uruguay, 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.*

During the period under review 85 infringements of the law were reported in the different provinces of the Republic.

##### *Austria.*

Ordinance of 24 April 1955 to implement the Federal Act of 1935 regulating the employment of children in agriculture and forestry.

The 1955 Ordinance has been promulgated in the province of Upper Austria and, accordingly, the nine provinces possess regulations based directly on the Federal Act of 1935 and implementing its provisions.

##### *Cuba.*

Permission for the employment of children of school age in agricultural work may only be given in the case of light jobs. Between 1 July 1954 and 30 June 1955, 12 authorisations were given to perform light work outside school hours, and none during these hours.

##### *France.*

In order to ensure that the Convention is strictly complied with, the Minister of Education circularised the Inspectors of Schools on 5 January 1955 asking them to reduce authorised absences from school to do farm work to a maximum of six weeks.

The report gives the statistical results of a general inquiry, covering the period between 1 July 1954 and 30 June 1955, carried out in all the départements of France and the overseas territories into the length and number of author-

ised absences from school to do farm work for periods of between three days and six weeks. It showed that there had been a slight rise in the number of applications as compared with the previous year, particularly for absences lasting four or five weeks. In the départements of the south-west, particularly the Hérault and the Gironde, there was a large number of applications for schoolchildren to be given leave of absence between 17 September and the middle of October, so that those over the age of 12 could take part in the grape harvest.

##### *Hungary.*

Labour Code of 31 January 1951 (L.S. 1951—Hun. 1), as amended by Legislative Decree No. 25 of 1953.

In reply to the observation made by the Committee of Experts the Government points out that section 101 of the Legislative Decree of 1953 stipulates that "no child below the age of 14 shall be employed. This provision shall not be deemed to prevent children of 12 years or over from being employed on light work outside school hours."

##### *Ireland.*

During the period under review proceedings were instituted against the parents of children found to be employed during school hours; convictions were obtained in 340 cases. The number of children concerned amounted to approximately 0.8 per cent. of the children to whom the School Attendance Act, 1926, applies.

##### *Israel.*

The report mentions the difficulties which the labour inspection services experience in the observation of the legislative provisions. In spite of all their efforts, the report states that it has not always been possible to prevent children from being employed on certain forms of work during the school holidays at the time when the cotton and groundnuts are harvested.

In order to make inspection more effective it has been decided, as a temporary measure, to appoint a representative of the Working Youth Organisation as labour inspector.

##### *Japan.*

The report states that the ordinance respecting labour standards applicable to women and young persons was amended by the Order of the Ministry of Labor dated 19 June 1954.

The provisions of this Order, which does not affect the application of the terms of the Convention, are designed to require the employer to request authorisation to employ a child; pre-

viously it was the child himself who was required to request this authorisation.

### Nicaragua.

The Labour Inspectorate is responsible for enforcing the law.

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

*Belgium, Chile, Czechoslovakia, Dominican Republic, Italy, Luxembourg, New Zealand, Poland, Sweden, Uruguay.*

## 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.

### Chile.

The report emphasises the fact that the differences to which the Committee of Experts drew attention refer to the implementing regulations. These regulations, which were issued under pressure of necessity in view of the special characteristics of agricultural work, do not in any way mean that there is any discrimination between industrial and agricultural workers as regards the right of association. The report even points out that in certain cases the law is more favourable to agricultural workers; for example, section 427 of the Labour Code provides that, in farms the value of which is more than 1,500,000 pesos, suitable premises must be put at the disposal of the trade union.

The report states that the law provides for three kinds of trade unions: "industrial" trade unions, "occupational" trade unions and "agricultural" trade unions.

Section 365 of the Code provides that all industrial workers may form "industrial and occupational" trade unions; section 433 of the Code prescribes that agricultural workers who wish to form a trade union must have more than 12 months' service on the farm to their credit and must represent 40 per cent. of the workers employed. The Government states in its report that this obligation of a year's service, as required by section 433, only refers to the number of workers taken into consideration for calculating the necessary percentage for forming the trade union.

As far as seasonal workers are concerned, the report states that under section 434 of the Labour Code all workers are allowed to join a trade union and that consequently seasonal workers may join an agricultural trade union.

Section 455 of the Code, which deals with the utilisation of the funds of agricultural trade unions, provides that when these funds are to be used it is necessary to obtain the agreement of a committee composed of the president of the trade union, the employer or his representative and a public servant appointed by the labour judge; this provision, the report indicates, does not exist for the occupational trade unions, but this is explained by the fact that those trade unions do not have the advantage of a contribution from the employers, nor do they receive a share of the production of the estate.

The report also lays stress on the provisions of section 470, which prohibits agricultural trade unions from presenting demands during the sowing and harvesting periods, and points out that these prohibitions have no other aim than to avoid the possibility of agricultural work being paralysed at such seasons, since this would harm both the economy and the welfare of the nation severely, in view of the fact that agriculture is an industry which is vital to the country. The report adds that these provisions correspond to the essential character of agriculture and do not in any way affect the right of association and combination of agricultural workers.

With regard to the amendments to the Labour Code, the report refers to the explanations given in previous years and adds that, since a large number of the amendments proposed by the Committee for the revision of the Labour Code are of considerable importance, it has not been possible for the Committee to have the conclusions of its work approved as quickly as one would have wished.

Lastly, the report gives a list of the agricultural trade unions which acquired legal status during the period from 30 June 1954 to 1 July 1955.

*Colombia.*

Under the Colombian Criminal Code (section 309), any person who obstructs the exercise of the right to organise as defined by law, or who disturbs lawful meetings, or who takes reprisals against lawful strikes, is liable to a period of from two months' to one year's imprisonment, and to fines of from 500 to 2,000 pesos. The Code also states that if these offences are committed by an official he may be dismissed in addition to incurring the above penalties.

*Egypt (First Report).*

Legislative Decree No. 319 of 8 December 1952 respecting trade unions of workers (L.S. 1952—Eg. 3).

Legislative Decree No. 178 of 1952 respecting agrarian reform.

Legislative Decree No. 317 of 1952 respecting individual contracts of employment, as amended by Legislative Decree No. 165 of 1953.

At the end of 1954 the number of agricultural workers' unions was 64. The National Federation of Agricultural Workers was established in May 1954. This federation nominates agricultural workers' representatives in the Higher Labour Advisory Council. The supervision of the above-mentioned legislation is entrusted to the Labour Department and the courts.

*France.*

An inquiry covering the whole of metropolitan France showed that the courts had given no legal decisions in this connection.

*Federal Republic of Germany.*

The report states that the Convention is applied in West Berlin.

*Nicaragua.*

Agricultural workers enjoy complete freedom of association, in accordance with sections 188 to 195 of the Labour Code of 12 January 1945.

*New Zealand.*

Industrial Conciliation and Arbitration Act, 1954 (L.S. 1954—N.Z. 1).

Any society of not less than 15 members lawfully associated for the purpose of protecting

or furthering the interests of workers may be registered as an industrial union of workers under this Act.

The growth of unionism in New Zealand agriculture has been slow.

There are provisions in Agricultural Extension Orders containing compulsory trade union membership clauses. Agricultural workers in market gardens are required to become members of designated unions.

The union with the greatest membership of rural workers is the New Zealand Workers' Industrial Union (16,179 members in December 1954).

*Rumania.*

Constitution of the Rumanian People's Republic of 5 April 1948 (section 86) (L.S. 1948—Rum. 1).

Legislative Decree No. 52 of 20 January 1945 respecting occupational trade unions (section 2).

Section 86 of the Constitution secures to all citizens the right of association.

Under section 2 of Legislative Decree No. 52 of 20 January 1945 all persons employed in the same occupation are entitled without restriction to form a trade union.

The Government adds that no distinction is made between agricultural workers and industrial workers.

On 15 September 1946 the trade unions of agricultural workers were set up, and in March 1947, as a result of the congress, they formed the Federation of Agricultural Workers' Trade Unions.

The report states that the administrative authorities may not exercise any control over the trade unions.

*Yugoslavia.*

The trade unions of agricultural workers had a membership of 84,792 at the end of 1954.

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

*Argentina, Austria, Belgium, Burma, Ceylon, Cuba, Czechoslovakia, Denmark, Finland, Greece, India, Ireland, Italy, Luxembourg, Mexico, Netherlands, Norway, Pakistan, Peru, 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
Haiti . . . . .	19. 4.1955
Ireland . . . . .	17. 6.1924

Countries	Date of registration of ratification
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
El Salvador . . . . .	11.10.1955
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 under review 700 infringements were reported.

*Austria (First Report).*

For legislation giving effect to the Convention see under Convention No. 17 as from the year 1946.

*Article 1 of the Convention.* The laws and regulations providing for the compensation of workers for injury by accident arising out of or in the course of employment were applicable to agricultural workers. The only difference was that for agricultural workers the basis for calculating the pensions was the average earnings and not the actual earnings of the person concerned; as from 1 January 1956, however, with the entry into force of the General Social Insurance Act, this discrepancy no longer exists.

In 1954 the scheme covered 200,000 workers in agriculture and forestry and 1,400,000 self-employed farmers, together with their spouses. In the same year the total cost of benefits in cash amounted to 41,880,000 schillings (26.20 schillings per insured person), and the total cost of benefits in kind to 22,140,000 schillings (13.80 schillings per insured person). The total cost (inclusive of administration costs) was 71,510,000 schillings. The number of accidents reported was 48,223, of which 412 were fatal. Accidents in respect of which new compensation was awarded numbered 6,790.

*Chile.*

Decree No. 366 of 13 April 1955 respecting regulations for the payment of contributions for industrial accident compensation.

The new Decree provides that the employer of an insured person who is temporarily incapacitated as the result of an industrial accident shall be liable for payment to the Social Insurance Department of the total of the employers' and workers' contributions as laid down by law.

Copies of three court decisions are appended to the report.

*Denmark.*

Two social security conventions have been signed between Denmark on the one hand and the Federal Republic of Germany and Switzerland on the other.

*France.*

Act No. 54-912 of 15 September 1954 to define employment injuries in agriculture during the journey from the domicile to the workplace and vice versa. Decree No. 55-806 of 17 June 1955 to issue public administrative regulations for the application of section 1146 of the Rural Code (lists of occupational diseases).

For the new legislation respecting the revaluation of indemnities payable for industrial accidents and occupational diseases, see under Convention No. 17.

The pension and also the daily allowance for farmers and members of their families is calculated on the basis of the annual earnings under the insurance contract, but the minimum annual earnings which the farmer may declare are fixed by an order of the Minister of Agriculture.

The occupational diseases mentioned in the lists annexed to Decree No. 55-806 of 17 June 1955 will permit compensation to be payable in agricultural occupations.

*Federal Republic of Germany.*

Act of 3 September 1953 respecting courts for social questions, as amended by the Act of 10 August 1954. First Ordinance of 31 July 1954 respecting the application of the Act of 7 August 1953, relating to 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 insurance.

Act of 13 November 1954 respecting children's allowances and the establishment of family compensation funds (Children's Allowances Act) and Act of 7 January 1955 to regulate the application of the said Act.

Special courts for social questions have been established on the local, provincial and federal level. Since 1 January 1954 these courts have been entrusted with the settlement of disputes concerning the employment injury scheme and particularly those involving claims to benefits. The courts are composed of professional judges and honorary assessors, the latter being appointed for a period of four years from lists of candidates drawn up by employers' and workers' associations.

The Children's Allowances Act of 13 November 1954 and the Act of 7 January 1955 to regulate that Act provide for the payment of children's allowances to those who are or can be insured with a public insurance institution or are exempt from the compulsory employment injury scheme under the provisions of the Federal Insurance Code; the Acts also apply to persons entitled to disability pensions under the said scheme. The children's allowances are payable for the third and each subsequent child and amount to 25 marks per month for each child.

During the period under review 5,613,000 workers were covered by the employment injury scheme in agriculture. The number of accidents reported was 295,074 and pensions were awarded in respect of 46,049 cases, of which 2,059 were fatal. On 31 December 1954 the total number of pensions in the employment injury scheme for agriculture was 205,124, including 202,028 disability pensions and 3,096 survivors' pensions.

The report adds that the Convention is applied in West Berlin.

*Ireland.*

Workmen's Compensation (Amendment) Act, 1955, and the executory Order.

The new Act of 1955, which came into operation on 1 September 1955, increases the benefits under the basic Workmen's Compensation Acts.

Statistics are given concerning compensation awarded during 1953; they are based on data furnished by insurance companies and a few individual employers who were not insured against liability under the Workmen's Compensation Acts. The number of accidents reported was 2,474, of which eight were fatal.

*Italy.*

During the period under review 250,875 acci-

dents were reported, of which 1,212 were fatal; 244,019 have already been compensated.

Luxembourg.

Various Ministerial and Grand Ducal Orders respecting the organisation of conciliation and arbitration committees and of the Arbitration Council, the fixing of the average value of remuneration in kind, lump-sum contributions, etc.  
Act of 30 November 1954 to approve the agreement on social security between the Grand Duchy of Luxembourg and the United Kingdom of Great Britain and Northern Ireland.

See also under Convention No. 17 for the information with regard to new legislation.  
Statistics from the report of the Accident Insurance Association (Agricultural and Forestry Section) show that the amount paid in pensions and indemnities in 1954—including advances by the State under the Act of 24 April 1954, which came into force on 1 May 1954—was 15,412,654 francs (9,423,403 francs for 1953). Administrative expenses amounted to 3,756,694 francs. During the same year 3,199 accidents were reported; 3,082 were acknowledged as compensable; 17 were fatal. At the end of 1954, 1,973 life annuities were being paid: 1,765 to injured persons and 208 to survivors.

Mexico.

According to the last census (for 1950) 1,566,741 agricultural workers were covered by the provisions of the Convention.

Netherlands.

For new legislation see under Convention No. 17.  
The number of full-time employees covered by the accident insurance scheme, computed on the basis of 300 working days, was 235,000, of whom 19,000 were insured with the State Insurance Bank and the remainder with the Occupational Insurance Fund.

New Zealand.

For legislation see under Convention No. 17.

The total number of persons (including working owners) engaged in agricultural and pastoral occupations at 31 March 1955 was estimated at 136,000.

Nicaragua.

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

The relevant legislative provisions are given in section 89 of the Labour Code.  
Agricultural workers have the right, as do all other workers, to compensation for employment accidents. Enforcement of the legislation is entrusted to the labour inspectors assigned to rural areas.

Poland.

The Polish industrial accident insurance scheme makes no distinction between persons employed in agriculture and those employed in industry, commerce, etc.  
See also under Convention No. 17 for information regarding new legislation.

Sweden.

For new legislation (Acts Nos. 243 and 399), which applies to agriculture as well as to industry, see under Convention No. 17.

United Kingdom.

Great Britain and Northern Ireland.

For new legislation see under Conventions Nos. 17 and 24.  
The number of agricultural wage earners is approximately 679,100 in Great Britain and 18,850 in Northern Ireland.  
The reports from the following countries either reproduce or refer to the information previously supplied:

Belgium, Colombia, Czechoslovakia, Cuba, Finland, 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

Countries	Date of registration of ratification
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.

Afghanistan.

The report states that the Convention will be incorporated in the revised edition of the Afghan Labour Code and, since it will then acquire force of law, it will be applied as such in the country.

The Ministry of Mines and Industry will be responsible for putting the law into effect and the Ministry of Labour will be responsible for enforcing the principles established as a result of experts' advice and periodical inspections.

#### *Austria.*

Ordinance of 25 October 1954 to amend the schedule of employments prohibited to young persons.

Under section 11 of the new Ordinance employment on painting or lacquer work involving the use of white lead or other compounds containing lead has been forbidden.

During the period under review symptoms of lead poisoning were observed in ten workers; 159 cases of illness caused by lead were reported.

#### *Belgium.*

Sixteen cases of lead poisoning causing temporary disability were reported in the house painting and industrial painting trades.

#### *France.*

Decree No. 55-849 of 23 June 1955 to amend the Decree of 11 December 1948 issuing public administrative regulations respecting special health measures applicable in establishments in which the staff is exposed to lead poisoning.

Order of 24 June 1955 respecting special health measures applicable in establishments in which the staff is exposed to lead poisoning.

The provisions of the texts mentioned above came into force on 1 September 1955.

#### *Greece.*

During the period under review 14 cases of lead poisoning in mines were notified.

#### *Luxembourg.*

One case of lead poisoning was reported.

#### *Mexico.*

The Ministry of Labour has transmitted to the General Directorate of Manufacturing Industries, to the General Directorate of Standards (which is attached to the Ministry of Economy) and to the Industrial Hygiene Department (which is attached to the Ministry of Health) an instruction respecting the measures to be taken to ensure the application of the Convention. The report adds that in practice white lead, sulphate of lead and other similar pigments are no longer used in the preparation of paints,

since these substances have been replaced by titanium dioxide.

#### *Netherlands.*

During the year under review two cases were reported of presumed lead poisoning affecting workers employed in grinding paint and lacquer.

#### *Yugoslavia.*

Decision of 23 June 1955 respecting the use of white lead and sulphate of lead in painting.

Under the above-mentioned Decision the use of sulphate of lead and of all products containing this pigment is prohibited in the interior painting of buildings, unless the products contain less than 2 per cent. of lead. The use of white lead, sulphate of lead and products containing these pigments may be authorised for the exterior painting of buildings, objects, vessels and bridges, or in the construction of railways when these products are indispensable.

The employment of women and young persons under 18 years of age in any work involving the use of lead pigment is prohibited, even in painting work where its use is authorised. Moreover, the persons in question may not be employed in cleaning the places where such paint is prepared, mixed or stored. The work mentioned above may be authorised exceptionally for young persons under 18 years of age if it is necessary for their vocational training, on condition that such employment does not last longer than four weeks in any one year.

Spraying with paint including sulphate of lead is prohibited. The products in question must be used in the form of paste, paint or varnish ready for use. Rubbing down, polishing or dry scraping of objects painted with these products is prohibited. This work must be done after damping the products and the refuse must be removed while still damp.

Workers may only be employed on work of this kind subject to certain health conditions and must be medically examined every six months.

During the period under review ten cases of lead poisoning among working painters were reported.

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

*Chile, Colombia, Cuba, Czechoslovakia, Finland, Nicaragua, Norway, Poland, Sweden, 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
Viet-Nam . . . . .	14. 6. 1955
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.*

During the period under review 652 infringements of the weekly rest provisions were reported.

### *Belgium.*

There were three convictions by courts of law and one compromise in respect of the enforcement of the legislation on this subject.

During the period under review industrial establishments employing 499,058 persons were visited by the inspection service. The number of persons directly concerned in these visits was 24,463. Thirteen infringements of the law were reported.

### *Bolivia (First Report).*

Constitution of Bolivia.

Decree of 23 August 1943 to promulgate the regulations under the General Labour Act.

Section 125 of the Constitution points out that all Bolivian workers are entitled to the Sunday rest. Moreover, section 29 of the regulations issued under the General Labour Act explicitly includes Sunday among the days recognised by law as public holidays, and thus

has a bearing on the granting of weekly rest in industrial and other establishments. The Ministry of Labour and Social Welfare supervises the observance of these provisions through the Labour Inspectorate which is an executive body placed directly under it and located at La Paz, and through regional inspectors assigned to the chief industrial areas of the country.

### *Canada.*

A survey conducted by the Federal Department of Labour in April 1955 showed that 84 per cent. of the plant workers in manufacturing industries covered by the survey were on a five-day week.

### *Chile.*

Since the promulgation of Decree No. 1001 of 24 November 1951, waiving the requirement to observe the Sunday rest in establishments manufacturing tyres and inner tubes, no other total or partial exemption from the weekly rest has been authorised.

The number of persons employed in industrial establishments who are covered by the legislation implementing the Convention is estimated at 632,700.

In 1954 labour inspectors made 4,577 visits; 927 infringements of the regulations were reported.

### *Colombia.*

In its report for the period July 1954 to June 1955 the Government replies as follows to observations and requests for additional information concerning the application of Conventions: (1) the exceptions contemplated in section 175 of the Labour Code have been accepted by employers' and workers' organisations; (2) the list of exceptions to which Articles 3 and 4 of the Convention refer is now being studied by the Ministry of Labour and may be communicated to the Office very shortly; (3) Article 7 (b) of the Convention is complied with in that the Labour Code requires employers to post, at least 12 hours beforehand, the list of employees who, for reasons connected with the operation of the undertaking, cannot be granted Sunday rest. The list must also specify the days and times for the granting of compensatory rest.

### *Cuba.*

With respect to the observation made by the Committee of Experts in 1955 the Government states that the weekly rest provisions apply to road transport and to the drivers of motor cars for hire, and also to those persons excluded under Decree No. 2513 of 19 October 1933.

### *Czechoslovakia.*

Government Ordinance No. 19 of 1951 respecting the regulation of hours of work for the purpose of ensuring the uninterrupted transport of workers and the supply of electricity, gas and steam for heating.

Decree No. 342 of 1951 to give effect to the provisions of the above-mentioned Government Ordinance.

In order to ensure a continuous supply of power, undertakings may be allowed to transfer, temporarily and for the minimum necessary period, the working hours to another time of the day or night or to the days of rest. The employees concerned must be granted a 32-hour weekly rest on another day of the week.

#### *Denmark.*

Act No. 226 of 11 June 1954 respecting workers' protection generally (L.S. 1954—Den. 1).

The above-mentioned Act, which supersedes previous legislation on the subject, came into force on 1 April 1955.

*Article 1 of the Convention.* The weekly rest provisions of the new legislation apply to the industrial undertakings which are covered by the Convention, except inland waterways. They do not apply to senior officials nor to salaried employees of the State; but in respect of the latter the Act provides that if general rules issued by other government departments on the working hours of the salaried employees include provisions which do not fulfil the conditions of the Act, such provisions shall be approved by the Minister of Social Affairs. With regard to the local government salaried employees, the Minister of Social Affairs shall, after consultation with the Director of Labour Inspection Service, the Labour Council, the Minister concerned and the central organisations of employers and workers, decide whether and to what extent the provisions shall apply.

*Article 2.* The Act provides for a general prohibition of the employment of workers during the 24 hours of a Sunday or other public holiday, and gives a definition of what is to be understood by such 24 hours.

*Article 3.* The provisions do not cover work which is carried out only by such members of the employer's family as belong to his household.

*Article 4.* Statutory exceptions from the weekly rest on Sundays are made in respect of 15 specified categories of work, including the post, telegraph and telephone services, transport undertakings, water, gas and electricity works, preparatory or incidental work, work which is unavoidable in order to prevent damage to plant, machines, raw materials or products, certain types of work in reproduction of daily newspapers, factories for bread-making, etc. In addition, the Labour Inspectorate may, in unforeseen circumstances, permit temporary exceptions until the normal running of an undertaking is resumed, and the Director of Labour Inspection may permit exceptions in cases, such as ship repairs, where work cannot be postponed. Finally, the Minister of Social Affairs, after consulting the Director of Labour Inspection, the Labour Council and the employers' and workers' organisations concerned, may permit exceptions in specified cases, but only to the extent deemed necessary; such exceptions must state the extent to which a weekly rest shall be given to the workers on Sundays and public holidays. The specified cases relate to seasonal

undertakings, the supply of necessities to the population, continuously operating undertakings, certain production and employment needs, and cases agreed upon between the employers and workers concerned.

Apart from the cases referred to in the final sentence of the previous paragraph, the Act prescribes no obligation to consult employers' and workers' organisations in respect of statutory exceptions. The report of the Government states, however, that in most cases consultation takes place in the form of correspondence with the organisations, in rare cases of urgency by telephone, and in a few more important cases by direct negotiation between the authorities and the organisations.

*Article 5.* The Act provides that, as a compensation for the hours of leisure which they may lose through regular working on Sundays, the workers concerned shall be given a consecutive rest period of the corresponding number of hours within the normal hours of work in the trade or occupation concerned. The report states that the Minister of Social Affairs shall lay down detailed rules governing compensatory rest periods, but adds that no such rules have yet been established for any trade or occupation. In some cases collective agreements provide for more compensation for work on Sunday than does the Act, but that no particulars in this respect are available.

*Article 6.* Details are given in the report of 17 exceptions which were granted during the whole period under review. The exceptions relate to the food, textiles, typographical and reproduction, stone, earthenware and glass, iron and steel and the chemical industries.

*Article 7.* The report states that considering, as a general rule, the legislation prohibits the employment of workers on Sundays, no additional measures to ensure that the hours of the weekly rest period be made known have been required so far, and consequently no such provision is found in Danish legislation.

The legislation is enforced by the State Labour Inspection Service and local inspection services, with the co-operation of the police. The Labour Inspection Service, the staff of which has been increased under the new legislation, also provides guidance with a view to achieving the purpose of the Act.

Proceedings were instituted in four cases during the year in respect of contraventions noted by the labour inspectors. According to the economic census made in 1948 by the Department of Statistics, some 500,000 industrial workers are covered by the legislation.

#### *Finland.*

Act of 11 February 1955 to amend the Act respecting hours of work.

A copy of the letter communicated to the International Labour Office in reply to the observation made by the Committee of Experts in 1955 is appended to the Government's report. This letter contained the following information:

The Act respecting hours of work in force in Finland provides for exceptions to the provisions relating to weekly rest only in the cases

specifically set out in section 15 of the Act. As the Act was promulgated on 2 August 1946 and came into force on 1 January 1947, the contents of the Act were analysed in the annual report for the period 1 October 1946 to 30 September 1947 and the text of the Act was communicated at the same time to the International Labour Office. Exceptions in special cases are thus authorised only in so far as permitted under section 15 of the Act. In these circumstances it was thought unnecessary to supply a new list every two years in conformity with Article 6 of the Convention.

Since the report for 1947 did not perhaps contain a sufficiently detailed description of the provisions relating to weekly rest, the following information may perhaps be useful.

The scope of the Act, which is to some extent wider than that of the Convention, covers all workers who are entitled to a period of continuous rest of at least 30 hours, either on Sundays or, if this is not possible, on another day of the week.

In the case of processes which cannot be interrupted, however, that is, work which, in view of its technical character, must be carried out continuously throughout the week, it is permitted to distribute the periods of weekly rest in such a manner that their average length during three weeks should be 30 hours per week and that they should extend to at least 24 hours in each case.

Exceptions to these provisions are permitted in the following cases: (1) when the normal hours of work per 24 hours do not exceed three hours; (2) in the case of urgent work, that is, in cases where an act of God, an accident or any other unexpected occurrence has resulted in an interruption in the normal working of the shop, establishment or undertaking or threatens to do so, or may endanger life, health or property; and (3) when the technical nature of the work prevents the full release of certain workers.

The supervision of the application of these provisions is ensured by the Labour Inspectorate in the manner provided for under the legislation.

As regards the industrial undertakings which, although included in Article 1 of the Convention, are excluded from the scope of the relevant legislation, it should be noted that the transport of persons and goods by inland waterway is the only exception. The Act respecting hours of work does not cover this form of transport and in this branch the provisions concerning seafarers are applied, subject to certain modifications which may be necessary in view of the special nature of transport by inland waterway. Thus persons employed on board a vessel engaged in transport by inland waterway must enjoy four days' rest per month without any deduction of wages and one of these days must coincide with the working day on which offices are open. Instead of the day of rest mentioned above, a minimum period of 12 hours' leave per 24 hours may be granted twice a month if the employer and the worker reach agreement on this subject. In cases where it is not possible to grant days of rest, compensation must be paid in addition to the wages for the days of rest which have not been taken. The amount of this compensation is calculated

on the basis provided for in respect of compensation for holidays, in virtue of the Act respecting annual holidays with pay for seafarers. It should be noted that, in view of the geographic situation of Northern Finland, the transport in question is only carried out during some months of the year.

The Government also states in its report that, under the Act of 11 February 1955, the scope of the Act respecting hours of work has been extended. Thus, foremen carrying out duties of supervision and who take no part, or take part only occasionally, in the work performed may be required at times to work during their weekly rest period, but are entitled in such cases to a compensatory period of rest or, if they wish, to a special allowance.

#### *Greece.*

Ministry of Labour Circular No. 16151 of 24 March 1953 respecting the application of weekly rest legislation.

Referring to the observations made by the Committee of Experts in 1954, the Government states that the Convention is applied to all industrial workers under Article 1 of the Decree of 8-14 March 1930. Although there is no provision defining the term "industry", it is clear that the latter comprises all places where goods are produced and raw materials processed, irrespective of the form of the undertaking or its size (i.e. whether it is an industrial or a handicraft undertaking). Accordingly, separate regulations govern industry and handicrafts, on the one hand, and rail transport on the other.

In the case of railway workers the report mentions the regulations of 15 February 1926 concerning hours of work and rest, which came into force on 1 April 1926 and under which workers are granted from two to four days of rest per month depending on the category or branch to which they belong.

However, a committee was set up with a view to studying and preparing new regulations governing the hours of work and rest of railway workers; these regulations are to provide for four days of rest per month and a working day of eight hours. As soon as economic conditions permit appropriate measures will be taken to implement these regulations in respect of all classes of railway workers.

The report quotes a Ministry of Labour circular dated 24 March 1953 stating that under existing legislation any employee who works on Sunday is entitled to one day of rest during the week, and that all employees have the right to 52 days of rest per year. The circular also specifies the measures which must be taken in order to ensure that the weekly rest falls as far as possible on a Sunday.

Various decisions by courts of law relating to questions dealt with by the Convention have been given, but the Government states that most of them concern the payment of wages.

#### *Luxembourg.*

The annual report by the Inspectorate of Labour and Mines for 1954 shows that the statutory provisions relating to the weekly rest were observed satisfactorily during the period under review.

During 1954 maintenance, repair and preparatory work carried out on Sundays amounted to 1,310,036 hours in all, of which 1,180,056 were worked in continuous operations in 6 iron and steel plants, 32,536 in 17 mines and 2 quarries, and 106,440 in 72 small and medium manufacturing concerns.

In 1954, 11 permits to carry on production on Sundays were issued to 6 undertakings. As a result, 42,788 hours were worked by 608 workers.

#### *Mexico.*

Regulation of 21 July 1933 of the Federal Labour Inspectorate.

The organisation and operation of the inspectorate are laid down in paragraph IV of section 13 of the Federal Labour Inspectorate's regulations.

The following verdicts have been given by the Mexican Supreme Court. If a regulation made by the appropriate authority regarding the weekly rest stipulates that Sunday shall be a day of rest, the employer must pay those who work on that day at the rate of double time, even in cases where the contract of employment provides that the rest shall be taken on another day. The day of rest may not be changed at the discretion of the employer except where the change is sanctioned by a collective agreement concluded by all the unions to which the workers in the establishment belong; unless such an arrangement exists, no day other than Sunday may be taken as a rest day, even in cases where the worker has been absent during the week.

All Mexican workers, who number 4 million, are entitled to a weekly rest.

#### *New Zealand.*

Quarries Amendment Act, 1954.

The Quarries Amendment Act, 1954, amends the definition of the term "quarry".

During 1954, 63 infringements relating to Sunday trading were noted. This figure includes cases arising at establishments not covered by the term "industrial undertaking".

#### *Nicaragua.*

Constitution of Nicaragua of 1 November 1950 (L.S. 1950—Nic. 1).

The report refers to article 95 (2) of the Constitution which provides that all workers shall be guaranteed the compulsory weekly rest. It adds that the implementation of the relevant legislative provisions is strictly supervised and was ensured during the period under review.

#### *Pakistan.*

During the year 1952 the weekly rest was granted on Sunday in 55 of the 584 seasonal factories, while in 416 other undertakings of this type the weekly rest was given on a week-

day or on a Sunday. In the case of the 1,814 perennial factories the figures were 839 and 880 respectively.

Exceptions to the provisions of the Factories Act concerning weekly rest were authorised for the majority of workers in 113 seasonal factories and 230 perennial factories.

#### *Peru.*

*Article 6 of the Convention.* The labour authorities have not authorised the exceptions permitted under Articles 3 and 4 of the Convention, and any such cases have been regulated through collective agreements.

*Article 7.* The application of the legislation respecting weekly rest is ensured through visits of inspection and the periodical publication of the relevant legal provisions in the principal newspapers. Compliance with the provisions relating to weekly rest is also ensured through the Supreme Resolution of 27 October 1936.

#### *Portugal.*

As in the period 1953-54 several collective agreements containing clauses which apply to provisions of the Convention were approved during the period under review. Appended to the report are copies of Government Gazettes in which were published decisions given by courts of law concerning questions relating to the Convention. A total of 5,417 legal proceedings were taken with regard to contraventions of the provisions of the Convention.

#### *Sweden.*

During the period under review 222 exceptions were granted 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 milk transport workers, etc.

#### *Switzerland.*

For statistical information and the scope of the Factories Act, see under Convention No. 5.

#### *Uruguay.*

The report states that during the period under review 58 contraventions of Act No. 7318 establishing the weekly rest were reported, and that fines amounting to 2,795 pesos were imposed.

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

*Afghanistan, Burma, France, India, Ireland, Norway, Poland, Turkey, Yugoslavia.*

## 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.

#### *Ceylon.*

See under Convention No. 7.

#### *Chile.*

See under Convention No. 7.

#### *China.*

Regulations governing the control of crew members.  
See also under Convention No. 7.

*Article 1 of the Convention.* See under Convention No. 7.

*Article 2.* The regulations governing the control of crew members (section 6) and the Civil Code provide that no person under 20 years of age may enter employment as a seaman (including employment as a trimmer or a stoker) without the permission of his legal representative.

*Article 3.* Section 2 of the Merchant Shipping Act is generally in accord with the provisions of this Article.

*Article 4.* It has not in the past been necessary to take advantage of the exception provided by this Article.

*Article 5.* The particulars of every seaman on board vessels are entered in a register.

The supervisory authority for the enforcement of this Convention is the competent department dealing with navigation questions, under the supervision of the Ministry of Communications. The Chinese embassies, legations and consulates in foreign countries also supervise the application of these measures. Employment contracts will be declared null and void if contraventions are proved.

No difficulties have been experienced in the application of this Convention, since only workers over 20 years of age are employed in the engineering sections of Chinese vessels.

The report states, however, that in the absence of special training facilities for lower-grade seamen, apprenticeship is the only way by which workers can be trained. Boys between 16 and 18 years of age may become apprentices who will be stokers after training. The Government therefore suggests that Article 2 of this Convention should not apply to these apprentices, as in the case of those working on school-ships or training-ships.

#### *Cuba.*

Legislative Decree No. 659 of 6 November 1934 concerning seamen's articles of agreement (L.S. 1934—Cuba 12).

*Article 6 of the Convention.* Under section VIII of the above-mentioned Legislative Decree, articles of agreement and other conditions of employment must be posted up on board ship in places that are readily accessible to members of the crew.

During the period under review 83 inspections were carried out at Santa Cruz del Sur.

#### *Federal Republic of Germany.*

The report states that the Convention is applied in West Berlin.

#### *Japan.*

During the period under review the number of seamen's inspection offices rose to 74; 16,080 inspections were made. The number of young persons employed on board ship was 5,077, but no cases of infringement of the legislation prohibiting the employment of young persons under 18 years of age as trimmers or stokers were reported.

#### *Uruguay.*

Act No. 12030 of 27 November 1953.  
Act No. 12158 of 22 October 1954.

Following the passing of Act No. 12158 of 22 October 1954, which incorporates the Conventions ratified by Legislative Decree No. 8950 of 5 April 1933 in Act No. 12030 of 27 November 1953, draft regulations dealing with the present Convention, together with the Minimum Age (Sea) Convention (Revised), 1936 (No. 58), the Minimum Age (Industry) Convention (Revised), 1937 (No. 59) and the Minimum Age (Non-Industrial Employment) Convention (Revised),

1937 (No. 60), have been prepared and laid before the executive authority.

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

*Argentina, Australia, Belgium, Burma, Canada, Colombia, Denmark, Finland, France, Greece, Hungary, India, Ireland, Italy, Luxembourg, Netherlands, Nicaragua, Norway, Pakistan, Poland, Sweden, 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
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 472 were passed fit, 7 were deferred and 13 rejected.

#### *Ceylon.*

See under Convention No. 7.

#### *China.*

Merchant Shipping Act of 30 December 1929 (L.S. 1929—Chin. 3).  
Regulations concerning the issue of licences to sea-going and inland river navigating personnel.

*Article 1 of the Convention.* See under Convention No. 7.

*Article 2.* In accordance with section 9 of the above-mentioned regulations, only personnel above the rank of third assistant navigator and third assistant engineer are covered.

*Article 3.* The regulations provide that the persons covered must be medically examined every five years. No special provision is made for children as they are not permitted to be employed on vessels.

For the enforcement of the Convention see under Convention No. 15.

Although the Merchant Shipping Act contains no special provision regarding the age and medical examination of seamen, such examinations are carried out in government-supervised shipping companies. In 1951 a special hospital for seamen was established by the Government in Kee-Lung for this purpose.

#### *Colombia.*

The internal regulations of the Grand Colombian Merchant Navy apply to all persons employed on board ship.

#### *Cuba.*

Between 1 July 1954 and 30 June 1955, 41 young persons under the age of 18 were certified medically fit. A further 100 minors were given their annual medical examination.

#### *France.*

The number of ships' boys under 18 years of age employed on board ship was 2,833 on 1 January 1955.

#### *Federal Republic of Germany.*

The report states that the Convention applies to West Berlin.

#### *Italy.*

The number of workers covered by the legislation, that is to say, all persons entered in the seamen's register, is approximately 270,000, but only about 137,000 are actively engaged as seamen.

#### *Japan.*

The total number of infringements of the regulations concerning health certificates of young seafarers under 18 years of age amounted to 29; 13 of the persons in question were not in possession of the necessary certificate. Appropriate action was taken by the competent authorities.

See also under Convention No. 15.

#### *Netherlands.*

During the year 1954, 2,695 seamen underwent medical examination.

*Uruguay.*

Act No. 12030 of 27 November 1953.  
Act No. 12158 of 22 October 1954.

Following the passing of Act No. 12158 of 22 October 1954, which incorporates the Conventions ratified by Legislative Decree No. 8950 of 5 April 1933 in Act No. 12030 of 27 November 1953, draft regulations dealing with the present Convention, as well as with the Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77) and the Medical Examina-

tion of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78), have been prepared and laid before the executive authority.

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

*Argentina, Belgium, Burma, Brazil, Canada, Chile, Denmark, Finland, Greece, Hungary, India, Ireland, Luxembourg, Mexico, Nicaragua, Pakistan, Poland, Sweden, United Kingdom, Yugoslavia.*

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## 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
Burma . . . . .	16. 2.1956
Chile . . . . .	8.10.1931
Czechoslovakia . . . . .	12. 6.1950
Colombia . . . . .	20. 6.1933
Cuba . . . . .	6. 8.1928
Finland . . . . .	20. 1.1950
France . . . . .	17. 5.1948
Federal Republic of Germany . . . . .	14. 6.1955
Greece . . . . .	13. 6.1952
Haiti . . . . .	19. 4.1955
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

#### *Austria.*

Federal Act of 6 July 1954 to change the basis for the assessment of social insurance pensions.

Section 13 of the Federal Act mentioned above fixes a maximum of 28,800 schillings for the average annual earnings to be taken as a basis for the assessment of pensions, or 31,200 schillings if special sums are payable.

The Constitutional Court on 15 June 1953 gave a ruling by which the decisions of arbitration courts may no longer be examined by the Administrative Tribunal to ensure that they are in conformity with the law if a request to that effect is submitted by the Federal Ministry of Social Affairs or the Central Federation of Austrian Social Insurance Institutions. The Constitutional Court considered this procedure as unconstitutional.

In 1954 the total number of workers insured against industrial accidents (excluding agricultural workers) was 1,587,000. Expenditure for cash benefits amounted to 161,100,000 schillings (101.60 schillings per insured person); and benefits in kind amounted to 71,520,000 schillings (45.10 schillings per insured person). The total expenditure, including administrative costs, was 273,430,000 schillings.

The number of accidents reported was 150,139,

of which 515 were fatal; accidents in respect of which new compensation was awarded numbered 7,000.

#### *Chile.*

See under Convention No. 12.

Copies of 19 legal decisions are appended to the report.

#### *Colombia.*

In reply to the observations of the Committee of Experts concerning Article 5 of the Convention, the Government states that compensation is paid to each worker or his dependants in a lump sum, and that periodical payments as required by the Convention are not practicable, the workers themselves opposing this practice on the ground that a single lump-sum payment enables them to buy a home or business of their own—as in fact they do—free from government interference of any kind.

#### *Cuba.*

The report states that 19,536 accidents were reported, 25 of which were fatal; the expense involved amounted to 1,176,196 pesos.

#### *Czechoslovakia.*

In reply to the observation made by the Committee of Experts the Government states that under the provisions of the National Insurance Act a lump-sum payment is awarded if the loss of earning capacity is less than 20 per cent., or, in the case of fatal accidents, if the widow is under 45 years of age, is not receiving compensation and has no children under her care below the age of 16 years. Such a small loss of earning capacity would not substantially influence the working efficiency of a person nor cause important loss of earnings.

Section 88 of this Act, which authorises, at the request of the beneficiary with a disability between 20 and 45 per cent., the award of a lump sum instead of a pension or a part of a pension, is no longer applied in practice and its deletion is envisaged when the Act is amended. In so far as this provision had been applied, in all cases a certificate was required proving that the amount would be used in a proper manner, generally for setting up a private business. On the other hand, the service for the placing of persons with reduced working capacity ensures that all persons who have suffered an employment accident are provided with suitable employment.



*Finland.*

During the period under review 115,492 accidents were reported. The total cost of cash benefits was 1,457,000 marks (1,563 marks per person), plus transfers to the Pension Fund amounting to approximately 607 million marks. The total cost of benefits in kind was 296 million marks (318 marks per person). The expense involved in the application of the legislation relating to accident insurance amounted to 530 million marks.

*France.*

Act No. 54-892 of 2 September 1954 and Order of 8 April 1955 respecting the revaluation of compensation payable under workmen's compensation laws.

Decrees Nos. 55-92 of 18 January 1955, 55-526 of 7 May 1955, 55-676 of 20 May 1955 and 55-729 of 28 May 1955, respecting various social security provisions.

Decree No. 55-683 of 20 May 1955 to establish the general status of the staff of public hospitals and nursing and rest homes.

Decrees Nos. 54-1291 of 24 December 1954 and 55-215 of 3 February 1955, to amend and supplement Decree No. 46-2959 of 31 December 1946, establishing public administrative regulations for the application of Act No. 46-2426 of 30 October 1946 respecting the prevention of and compensation for industrial accidents and occupational diseases.

Orders of 28 July 1954 and 12 November 1954 to appoint titular or substitute members of the boards of three medical practitioners set up under Decree No. 53-1141 of 23 November 1953.

All permanent full-time employees of hospitals, homes for the poor and aged and other establishments for hospital care, rest or nursing, except national charitable institutions and independent psychiatric hospitals, must henceforth be affiliated to the National Local Community Employees' Pension Fund, except where already covered by a more favourable pension scheme. Thus they enjoy both the advantages of the pension scheme (i.e. pensions when totally and definitively disabled as a result of an accident which occurred during or in connection with the performance of their duties) and those laid down by their status, namely full remuneration until they can return to their jobs or are retired, and reimbursement of medical fees and expenses resulting directly from the accident.

Act No. 54-892 of 2 September 1954 considerably modifies the regulations formerly applied for the adjustment of pensions. It provides for a standardisation of all pensions, old and new; these may henceforth be increased by means of revaluation coefficients which may be fixed by ministerial decree on the basis of increases in receipts from social security contributions, this amount itself depending on the total wages paid.

The minimum wage used as a basis for the calculation of pensions has been raised from 252,000 to 276,000 francs; the irreducible fraction and the maximum wage are increased to 552,000 and 2,208,000 francs respectively.

Pensions paid in respect of employment accidents which occurred in the Overseas Departments between 31 August 1946 and 1 January 1952 are calculated according to the regulations applicable in metropolitan France at the time of the accident.

The Order of 8 April 1955 fixes the revaluation coefficient for pensions paid in respect of accidents which occurred or occupational diseases which were reported before 1 September 1954, and sets at 295,320 francs the minimum annual wage to be used as a basis for calculating pensions in respect of accidents which occurred and occupational diseases reported after 31 August 1954.

In the light of modifications made in the premium rates of the Deposit and Consignment Fund, the schedule fixed by ministerial decree to be used for determining the surrender value of certain accident pensions has also been modified.

Decisions given by courts of law during the period under review have confirmed the discretionary powers of regional funds in matters related to the redemption and conversion of accident pensions.

The Act of 2 September 1954 provides that the minimum amount of the additional allowance granted to victims of employment accidents who require the constant assistance of a third person shall, in future, be adjusted according to the coefficient fixed for the pension itself. The minimum allowance for the constant assistance of a third person has been increased to 214,000 francs as from 1 March 1955.

Section 27 of the Act of 2 September 1954 amends, in respect of the issue of prosthetic and orthopaedic appliances, certain points of detail in the regulations applicable to victims of industrial accidents having occurred before 1 January 1947.

The report contains very detailed statistics. During the period under review cash benefits totalled 32,985 million francs and benefits in kind 10,681 million francs. The total number of accidents reported, including those occurring on the way to and from work, was 1,989,297.

*Greece.*

During the period under review 27,783 accidents were reported, 24 of which were fatal. The total amount of compensation paid out was 12,262 million drachmas.

*Hungary.*

In reply to the observations made by the Committee of Experts in 1955 the Government states that, under section 107 of the Labour Code, a worker who has met with an employment injury or contracted an occupational disease shall receive, for such time as he is incapacitated, medical treatment, an allowance, pharmaceutical benefits and, in the event of total or partial disablement, compensation (pension).

Victims of an employment injury are thus entitled, under the sickness insurance scheme, to allowances from the first day of incapacity for work without any limitation of time so long as medical care is necessary and up to the consolidation of the degree of invalidity, after which a pension is awarded.

Disabled persons receive free of charge the necessary artificial limbs and orthopaedic appliances, as well as other therapeutic appliances, without limitation of time.

*Luxembourg.*

Grand Ducal Order of 9 April 1955 to extend the scope of compulsory accident insurance.  
Various Grand Ducal and Ministerial Orders, issued in 1954, respecting skilled workers, the fixing of basic wages for the calculation of remuneration, accidents on the way to and from work, compulsory accident insurance, etc.

In accordance with an authorisation provided by section 85 of the Social Insurance Code, the Grand Ducal Order of 9 April 1955 extended the scope of compulsory accident insurance to cover all activities carried on for remuneration in cash or in kind in the service of another person, which are not compulsorily subject to insurance under the said section of the Code, except for those persons who, under section 95 of the Code, are explicitly exempt from insurance (members of religious communities and prisoners of war) or are insured under conditions and by methods to be fixed by public administrative regulations (civil servants and public employees).

The statistics contained in the report of the Accident Insurance Association (Industrial Section) show that the number of undertakings registered in 1954 was 8,532, of which 2,240 did not employ staff covered by accident insurance. The number of accidents reported was 18,556; accidents recognised as giving entitlement to compensation amounted to 18,100 and there were 36 fatal accidents. At 31 December 1954, 4,322 life annuities were being paid to injured persons and 1,054 to survivors. The expenditure in 1954 for pensions and other cash compensation amounted to 158.7 million francs; for curative treatment the amount was 14.5 million, for occupational diseases, 5.1 million, and for administrative expenses, 14.6 million.

*Mexico.*

The Social Insurance Act makes provision in section 37 for the supply of prosthetic and orthopaedic appliances; it states that the worker is entitled to such appliances as he may need and by implication requires the renewal of those appliances that cannot be dispensed with.

*Netherlands.*

Royal Decrees of 6 July, 28 September and 29 October 1954, in application of the Acts of 1921 and 1922 respecting accident insurance.

The number of full-time employees covered by this scheme, computed on the basis of 300 working days, was 2,139,431 in 1953; 270,575 accidents were reported, 453 of which were fatal. Expenditure on cash benefits amounted to 55,865,000 florins; the cost of medical benefits was 7,865,935 florins.

As regards the observations of the Committee of Experts concerning Article 7 of the Convention, the Government states that a proposal to bring section 17 of the Act of 1921 into harmony with the above-mentioned Article of the Convention is embodied in a Bill amending the law in various respects. The technical nature of these amendments, which require detailed consultations with the executive bodies concerned, has delayed the submission of the Bill to Parliament.

*New Zealand.*

Workers' Compensation Amendment Act, 1954.  
Employers' Liability Insurance Regulations, 1954, Amendments Nos. 1 and 2.  
Workers' Compensation Order, 1954.

The Workers' Compensation Order, 1954, increases the maximum and minimum payments of workers' compensation payable in case of death or incapacity.

During the year ended 31 March 1955 the Department of Labour, at the request of the Workers' Compensation Board, conducted four prosecutions of employers for failure to insure under the Workers' Compensation Amendment Act, 1950; in each case a conviction was obtained and a fine imposed. Copies of these decisions are appended to the report.

Data published in 1955 show that the premium income in 1953 was £2,594,538 and that the amount of £1,532,935 was paid in claims. The total number of industrial accidents was 35,214.

*Nicaragua.*

The provisions concerning compensation for employment accidents were duly applied during the period under review. The Ministry of Labour has appointed special labour inspectors for the mining industry.

*Poland.*

Decree of 25 June 1954 respecting universal pension security for workers and their families (L.S. 1954—Pol. 2).

By this decree a number of fundamental changes have been made in the existing legislation. Thus, cash benefits and some benefits in kind are provided under the universal retirement scheme, while the medical care provided in case of employment accident or occupational disease and the daily allowance granted during 26 or 39 weeks in case of temporary incapacity are covered by sickness insurance.

The scheme covers all workers and employees, irrespective of sex or age, who are employed under contract in industrial, commercial and agricultural undertakings whether owned by the State, co-operative societies, social organisations or private persons, the liberal professions, domestic workers, all workers employed in virtue of a contract of service, and all workers in the public service engaged by appointment. The report lists other categories of persons, whether assimilated to the foregoing categories or not, who are also entitled to benefits in case of accident.

Permanent disability pensions are provided under the workers' compulsory retirement scheme, except as regards pensions for miners employed underground and for glass workers, both of which categories are covered by special schemes.

The amount of an invalidity pension provided in respect of an employment accident or an occupational disease depends on the degree of invalidity, as follows: (1) persons unfit for work of any kind and needing the constant care of another person: 100 per cent. of the basic wage; (2) persons unfit for work of any kind but not needing the constant care of another

person : 75 per cent.; (3) persons unfit for regular work in their occupation under the normal conditions prevailing in that occupation but fit for occasional or part-time work or work in another occupation requiring substantially lower qualifications : 50 per cent.

In case of death resulting from an employment accident or occupational disease the survivors are entitled under the new scheme to so-called "family" pensions, subject to completion of the prescribed qualifying period. The amount of the family pension, as determined under the normal family pension scheme, is increased by 10 per cent. of the basic wage where the death has been caused by an accident resulting from an occupational risk. Finally, the beneficiary of an invalidity pension is entitled to family allowances for his dependants as defined in the decree.

#### *Portugal.*

Twenty infringements of the law were reported by the labour inspectors; 12 decisions were given by the courts.

#### *Sweden.*

Act No. 243 of 14 May 1954 respecting insurance against occupational injuries (L.S. 1954—Swe. 1).  
Act No. 399 of 3 June 1955 to amend section 11 of the aforementioned Act No. 243.

Royal Notification No. 644 of 29 October 1954 to issue regulations in accordance with section 6, paragraph (c), of the aforementioned Act No. 243.  
Various Royal Notifications issued in 1954 respecting compensation for physical injury sustained during residence in an institution and during work connected with fire fighting, insurance of State employees against occupational diseases, and exemption from insurance of certain State employees, etc.  
Act No. 246 of 1954 respecting war insurance for seamen.

New legislation came into force on 1 January 1955.

In 1952 the number of persons (man-years) insured against industrial accidents was 2,306,052, including 311,087 employees of the State. During the period under review the Employment Injury Insurance Office paid out 43,724,878 crowns as compensation in cash benefits and 4,794,556 crowns in benefits in kind. The number of accidents reported to the Employment Injury Insurance Office was 92,596 and the number reported to the mutual insurance companies was 78,493, making a total of 171,089.

#### *United Kingdom.*

##### *Great Britain.*

National Insurance Act, 1954.

Various Regulations, Orders and Schemes, issued in 1954 and 1955, relating to increase of benefit, mariners, colliery workers' supplementary benefits, reciprocal agreements, etc.

All types of industrial injuries benefits were increased by the above-mentioned legislative texts, which also raised the contribution rates payable by adult male employees and by employers.

At 30 March 1955 annual expenditure for benefits totalled approximately £25.4 million. Nearly 21 million persons were contributing to industrial injuries insurance schemes at 30 June 1955 and the cost of administering the scheme is estimated at £4.6 million. A breakdown is furnished of the number and nature of accidents reported, analysed by cause of incapacity, sex and average duration.

##### *Northern Ireland.*

Changes in the legislative provisions are similar to those mentioned above for Great Britain.

At 30 March 1955 annual expenditure totalled approximately £406,000 and the cost of administering the industrial injuries insurance scheme was £79,000. Nearly 470,000 persons were contributing to industrial injuries insurance schemes at 30 June 1955. In 1953, 7,143 accidents were reported.

##### *Uruguay.*

The Industrial Safety Training Centre has been set up to give instruction designed to prevent industrial accidents.

During the period under review compensation for temporary incapacity amounting to 3,168,762 pesos, and compensation for permanent incapacity amounting to 3,510,832 pesos was paid. The number of accidents notified was 43,625 and the number of workers insured was 216,640. Forty-eight infringements were reported and fines totalling 1,600 pesos were imposed.

##### *Yugoslavia.*

Act of 24 November 1954 respecting health insurance for wage and salary earners (L.S. 1954—Yug. 2).  
Decree of 19 March 1955 respecting the establishment of the Social Insurance Office.  
Decree of 19 March 1955 respecting the financing of social insurance.

The Act of 24 November 1954 respecting health insurance for wage and salary earners confirms the entitlement of victims of industrial accidents to health care and to a daily allowance equal to 100 per cent. of remuneration. Under the provisions of the same Act, and of the Act of 21 January 1950 respecting social insurance for wage and salary earners and their families, workers or employees who are victims of an industrial accident or an occupational disease are entitled, together with their families, to health care free of charge.

The number of employed persons covered by the regulations was 2,368,000 in June 1955. During the period from 1 July 1954 to 30 June 1955 the number of accidents reported was 101,747, and an amount of 11,779,000 dinars was paid in the form of pensions and invalidity allowances.

See under Convention No. 24 for details respecting the establishment and financing of the social insurance offices.

The report from *Belgium* reproduces the information previously supplied.

## 18. Workmen's Compensation (Occupational Diseases) Convention, 1925

*This Convention came into force on 1 April 1927*

Countries	Date of registration of ratification
Austria . . . . .	29. 9.1928
Belgium . . . . .	3.10.1927
Bulgaria . . . . .	5. 9.1929
Burma <sup>1</sup> . . . . .	30. 9.1927
Ceylon . . . . .	17. 5.1952
Chile . . . . .	31. 5.1933
Colombia . . . . .	20. 6.1933
Cuba . . . . .	6. 8.1928
Czechoslovakia . . . . .	19. 9.1932
Denmark . . . . .	18. 6.1934
Finland . . . . .	17. 9.1927
France . . . . .	13. 8.1931
Federal Republic of Germany <sup>2</sup> . . . . .	18. 9.1928
Hungary . . . . .	19. 4.1928
India . . . . .	30. 9.1927
Iraq . . . . .	26.11.1938
Ireland <sup>3</sup> . . . . .	25.11.1927
Italy . . . . .	22. 1.1934
Japan . . . . .	8.10.1928
Luxembourg . . . . .	16. 4.1928
Netherlands <sup>3</sup> . . . . .	1.11.1928
Nicaragua . . . . .	12. 4.1934
Norway . . . . .	11. 6.1929
Pakistan <sup>4</sup> . . . . .	30. 9.1927
Poland . . . . .	3.11.1937
Portugal . . . . .	27. 3.1929
Spain . . . . .	29. 9.1932
Sweden <sup>3</sup> . . . . .	15.10.1929
Switzerland . . . . .	16.11.1927
United Kingdom <sup>3</sup> . . . . .	6.10.1926
Uruguay <sup>3</sup> . . . . .	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> Has denounced this Convention and ratified Convention No. 42.

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

#### *Chile.*

The text of four decisions given by courts of law during the year is appended to the report.

#### *Colombia.*

In reply to the question raised by the Committee of Experts with regard to occupations covered by the legislation in regard to anthrax infection, the Government states that the occupations cited in section 201 of the Labour Code as capable of giving rise to anthrax infection are as follows: veterinary surgeons, workers in slaughter-houses, butchers, shepherds and curriers, and that these occupations include the handling of animals or animal carcasses and the loading or transport of merchandise.

The report adds that the Labour Code does not recognise endemic or epidemic diseases as occupational diseases unless they were contracted in the exercise of certain occupations.

#### *Cuba.*

See under Convention No. 42.

#### *Czechoslovakia.*

See under Convention No. 42.

#### *Denmark.*

See under Convention No. 12.

During the period under review 181 cases of occupational disease were reported, resulting in compensation being paid amounting to 708,774 crowns.

#### *Finland.*

See under Convention No. 42.

#### *France.*

See under Convention No. 42.

#### *Federal Republic of Germany.*

For new legislation see under Convention No. 12.

During the year 154,614 cases of occupational disease were reported, resulting in compensation being paid amounting to 185,140,686 marks.

The report adds that the Convention is applied in West Berlin.

#### *Hungary.*

See under Convention No. 42.

#### *India.*

The report refers to a letter dated 8 November 1955 from the Ministry of Labour to the International Labour Office stating that the Government of India had decided to appoint a technical committee to suggest modifications in the list of occupational diseases embodied in the Workmen's Compensation Act of 1923 with a view to making possible the ratification of Convention No. 42.

#### *Iraq.*

See under Convention No. 42.

#### *Italy.*

Statistics indicate that 12,390 cases of occupational disease (577 of which were fatal) were reported; benefits were granted in respect of 11,447.

#### *Japan.*

In 1954, 20,295 cases of occupational disease, occurring in 16 groups of industries, were reported. The total amount of compensation paid out for industrial accidents and occupational diseases during the period March 1953 to April 1954 was 16,111,259,988 yens.

#### *Luxembourg.*

Fifty-eight cases of occupational disease were notified; 56 were of silicosis, one lead poisoning, and one case was fatal.

See also under Convention No. 17.

#### *Nicaragua.*

Legislative Decree No. 85 of 18 September 1953 to provide protection for mine workers.

During the period under review compensation has been paid for occupational diseases.

Poland.

See under Convention No. 42.

Portugal.

Two decisions were given by courts of law in respect of the provisions of the Convention.

Switzerland.

During the period under review 24 cases of lead poisoning and 6 cases of mercury poisoning were reported. Compensation paid amounted to 92,745 Swiss francs.

Uruguay.

Uruguay has denounced this Convention and has ratified Convention No. 42.

Yugoslavia.

Act of 24 November 1954 respecting health insurance for wage and salary earners (L.Š. 1954—Yug. 2).  
Decree of 19 March 1955 respecting the establishment of the Social Insurance Office.

Decree of 19 March 1955 respecting the financing of social insurance.

The Act of 24 November 1954 gives a list of the categories of persons who are entitled to health insurance and also to the types of benefit and the rates of the allowances granted. In particular, the Act states that health care shall be available to insured persons, regardless of their working hours, whenever it is required for an injury due to an industrial accident or for any occupational disease. Further, insured persons incapacitated by industrial accident or occupational disease shall receive compensation for loss of wages as from the first day of absence from work.

For the new provisions respecting social insurance offices see under Convention No. 24.

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

*Austria, Belgium, Burma, Ceylon, Norway, Pakistan.*

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
Haiti . . . . .	19. 4.1955
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

Austria.

The Social Insurance Agreement between Austria and Italy signed on 30 December 1950, together with two additional protocols signed on 30 December 1950 and 29 May 1952, came into force on 1 February 1955.

Section 111 of the Social Insurance (Transitional Provisions) Act of 12 June 1947 was cancelled by the Constitutional Court (see under Convention No. 17).

The Austrian Congress of Chambers of Labour has drawn the attention of the Government to the fact that the application of the Convention meets difficulties with regard to occupational diseases being contracted abroad, particularly silicosis. Workers who are Austrian nationals and contract silicosis as a result of their employment in the Belgian and French mining industry are often unable to obtain compensation from the competent foreign institutions. The Austrian institutions award compensation only when the disease has been contracted during a period of employment in Austria. According to the Austrian arbitration courts the workers concerned receive compensation which takes into account their actual health status. However, in order to avoid hardships and future difficulties it seems necessary, in accordance with the provisions of Article 1, paragraph 2, of the Convention, that special arrangements be made between the Members concerned. The International Labour Office is therefore asked to encourage the States who have ratified the Convention and have refused in the past to conclude the necessary special arrangements to comply with these provisions.

Belgium.

Royal Order of 16 February 1952.  
Act of 28 May 1953.

<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.

Order of the Regent of 19 October 1944, amended by Orders of 12 July 1947, 10 August 1948, 14 December 1949, 15 May 1951, 25 September 1951, 26 March 1952 and 28 December 1954, respecting the granting of supplementary allowances to certain categories of victims of industrial accidents. Ministerial Orders of 18 August 1947 and 16 March 1955, to determine the basis for assessing need.

The Belgian Government was asked by the Committee of Experts in 1955 to confirm that the nationals of any member State which has ratified Convention No. 19 receives the treatment accorded to Belgian nationals by article 23 of the Franco-Belgian Convention of 17 January 1948. In answer to this request the Government gave the following information.

Belgium accords equality of treatment in respect of workmen's compensation to Belgian workers and to workers of foreign nationality. In addition to workmen's compensation, Belgium grants supplementary allowances to certain categories of victims of industrial accidents. These allowances are of two kinds: (1) those for the victims of industrial accidents of Belgian or foreign nationality who have at least 30 per cent. incapacity or who have lost the sight of one eye, and for the widows and orphans of the victims of fatal industrial accidents, which are awarded without conditions as to residence or domicile; and (2) those for victims of industrial accidents of Belgian or foreign nationality who have less than 30 per cent. incapacity (except victims who have lost the sight of one eye) and specified dependants of victims of industrial accidents, which are only awarded to persons who are in need and are domiciled in Belgium. The Franco-Belgian Convention of 17 January 1948 and the Convention between Belgium and the Grand Duchy of Luxembourg of 3 December 1949 derogate from the condition of domicile under (2) above where a national of one of the contracting countries transfers his residence from one to the other of the countries concerned.

The Belgian Government is of the opinion that the supplements and benefits referred to above constitute relief allowances and thus do not come within the scope of Convention No. 19, which deals only with compensation for industrial accidents. It points out that the legislation governing the grant of the supplementary allowances is independent of the legislation concerning workmen's compensation and refers to the latter legislation only for the purpose of defining the range of persons protected. Furthermore, the scheme includes persons who, having suffered accidents prior to 1905, are not covered by the workmen's compensation scheme. This concept prevailed when the Franco-Belgian and Belgo-Luxembourg Conventions of 1948 and 1949, respectively, were concluded and explains the need for the first paragraph of article 23 of the Franco-Belgian Convention and article 22 of the Belgo-Luxembourg Convention.

#### *Bolivia (First Report).*

Article 18 of the National Constitution provides that foreigners in the territory of the Republic shall enjoy the same guarantees as those which are granted to nationals.

Section 1 of the General Labour Act provides that all rights and obligations in so far as they

are connected with labour come under the provisions of the Act.

The application of the above-mentioned legislation is entrusted to the Ministry of Labour through a labour inspectorate.

#### *Cuba.*

Nine foreign workers converted their pensions to a lump sum during the period under review.

#### *Denmark.*

In response to the observation made by the Committee of Experts last year the Government states in its report that, under the Franco-Danish Social Security Agreement of 30 June 1951, increases or allowances which are or may later be granted as additional payments to the benefits for employment injuries under the legislation of either of the contracting countries are payable to the nationals of these countries when they move from one country to the other. The report further states that increases and allowances accorded in addition to benefits under the Danish employment injury legislation are granted to nationals of all the member States which have ratified the Convention, even when such nationals leave Denmark.

#### *France.*

Act No. 54-912 of 15 September 1954 to define employment injuries in agriculture.

For other legislation see also under Convention No. 17.

*Article 1 of the Convention.* An agreement was concluded between the Belgian and French authorities within the framework of the general convention on social security concluded between those two countries, to provide that the surviving spouse in Belgium may benefit from the provisions of section 53 (a) of the Act of 30 October 1946 as amended by section 13 of the Act of 25 July 1952. The agreement defines, *inter alia*, the benefits paid in Belgium which may be assimilated to the old-age or invalidity pensions enumerated in section 119 of the Decree of 17 August 1953, together with the methods by which the persons concerned may establish their rights.

*Article 4.* See under Convention No. 17.

Statistics of foreign workers entering the country give the following figures: 457 Germans, 10,425 Italians and 3,471 other nationalities, making a total of 14,353.

#### *Federal Republic of Germany.*

Act of 3 September 1953 respecting courts for social questions, as amended by the Act of 10 August 1954.

First Ordinance of 31 July 1954 respecting the application of the Act of 7 August 1953 relating to 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 insurance.

Act of 13 November 1954 respecting children's allowances and the establishment of family compensation funds (Children's Allowances Act) and Act of 7 January 1955 to regulate the application of the said Act.

Special courts for social questions have been established on the local, provincial and federal level. Those courts have to settle disputes concerning the employment injury scheme and particularly disputes involving claims to benefits. They are composed of professional judges and honorary assessors; the latter are appointed for a period of four years from lists of candidates drawn up by employers' and workers' associations.

The Children's Allowances Act of 13 November 1954 and the Act of 7 January 1955 provide for the payment of children's allowances to wage earners, to salaried employees, and to self-employed persons and their dependants working in the former's undertaking, if they are or can be insured with a statutory employment injury institution or are exempt from the compulsory employment injury scheme under the provisions of the Federal Insurance Code, as well as to persons entitled to disability pensions under the said scheme. Children's allowances are payable for the third and each subsequent child of the persons concerned and amount to 25 marks per month for each of such children.

In reply to the observations made in 1955 by the Committee of Experts the report states that the competent bodies of the Federal Republic provide, in conformity with the Convention, compensation for industrial accidents to nationals of Members of the International Labour Organisation which have ratified the Convention, as a rule to the same extent as to German nationals, without any condition as to residence. Nevertheless, German nationals receive certain supplementary benefits only so long as they sojourn in the territory of the Federal Republic, unless reciprocal agreements provide for exceptions to this rule. According to the bilateral social insurance conventions concluded between the Federal Republic on the one hand and Denmark, France and Switzerland on the other, nationals of the contracting parties are entitled to compensation for industrial accidents, including all supplementary benefits, so long as they reside in the territory of one of the contracting parties. The Government is of the opinion that such provisions of bilateral agreements are applicable only to persons covered by these agreements, that is, to nationals of the contracting parties. The Government points out that the application of these provisions to nationals of all Members which have ratified Convention No. 19, who are residing in the territory of one of the contracting parties of the bilateral agreements, would mean a multiplication of the number of beneficiaries of such agreements and would have the result that the said supplementary benefits would have to be furnished to nationals of States which are not prepared to assume equivalent obligations, by means of bilateral agreements, in respect of nationals of countries having concluded among themselves such agreements.

#### *Greece.*

The report states that the merging of the Miners' Provident Fund with the Social Insurance Institute (I.K.A.) was decided by Act No. 1846 of 1951 and will very shortly be carried

into effect. This merging will ensure complete equality between Greek and foreign workers employed in mines.

Pensions were paid abroad to 61 former affiliated members of the I.K.A. and to five former affiliated members of the Miners' Provident Fund.

#### *Hungary.*

Legislative Decree No. 28 of 1954 respecting workers' retirement pensions (this Legislative Decree replaces Legislative Decree No. 30 of 1951).

Decree No. 69/1954/XI.2 respecting the application of Legislative Decree No. 28 of 1954.

The Government states that the new legislation includes no changes so far as the application of the Convention is concerned.

#### *India.*

The Employees' State Insurance Act of 1948, which covers employment injury in addition to sickness and maternity, has been brought into force in a number of further towns or districts, including among others Greater Bombay, Hyderabad and Calcutta.

#### *Ireland.*

Workmen's Compensation (Amendment) Act, 1955.  
Workmen's Compensation (Amendment) Act, 1955  
(Appointed Day) Order, 1955.

The above legislation did not introduce any discrimination between national and foreign workers in respect of workmen's compensation.

#### *Luxembourg.*

Notice respecting the coming into force (1 November 1954) of 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.

Act of 30 November 1954 to approve the Convention on social security between the Grand Duchy of Luxembourg and the United Kingdom of Great Britain and Northern Ireland and the Protocol relating to benefits in kind, signed at London on 13 October 1953.

Grand Ducal Order of 13 December 1954 to publish the Administrative Arrangement between the social welfare authorities of the countries signatories of the Treaty of Brussels, respecting the methods of application of the Convention to extend and co-ordinate the application of the various forms of social security legislation to nationals of the contracting parties of the Treaty of Brussels, signed at Paris on 7 November 1949 by the Governments of Belgium, France, Luxembourg, the Netherlands and the United Kingdom of Great Britain and Northern Ireland.

Act of 24 December 1954 to approve the Supplementary Agreement No. 2 to the General Convention of 12 November 1949 between the Grand Duchy of Luxembourg and France concerning a social security scheme applicable to frontier workers, and the Protocol relating to the application of this Agreement, signed at Paris on 19 February 1953.

Grand Ducal Order of 9 January 1955 to publish the Administrative Arrangement respecting the methods of application of the General Convention on social security between the Grand Duchy of Luxembourg and the Republic of Italy, signed at Luxembourg on 19 January 1955.

Notice respecting the coming into force (1 April 1955) of the Convention and Protocol on social security between the Grand Duchy of Luxembourg and the United Kingdom of Great Britain and Northern Ireland, signed at London on 13 October 1953.



*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 1955 was 15,392. During the period 1 July 1954 to 30 June 1955, 3,797 working permits were granted to foreign workers.

*Netherlands.*

An agreement was concluded with Italy on 28 October 1952 and another with the United Kingdom on 11 August 1954.

In reply to the question of the Committee of Experts regarding the application of article 15 of the agreement of 8 July 1950 between Luxembourg and the Netherlands, the Government states that all member States which have ratified Convention No. 19 are treated in the same way as Netherlands nationals in accordance with article 15 of the agreement.

*Poland.*

The report states that all foreign workers employed in Poland who are victims of industrial accidents occurring in Poland or who suffer from an occupational disease, together with their dependants, are subject to the same treatment as national workers in regard to workmen's compensation for accidents and for occupational diseases. The appropriate cash benefits are granted to foreigners without any condition as to residence, subject to reciprocity. The reciprocal payment of compensation for industrial accidents and occupational diseases is governed by special arrangements concluded between Poland and Czechoslovakia and between Poland and France.

*Portugal.*

The number of foreigners authorised to take up permanent employment in Portugal in 1954 was 2,775.

*Switzerland.*

The number of fatal accidents registered between 1 July 1954 and 30 June 1955 was 381, of which 56, or 14 per cent., were suffered by foreigners (42 Italians, 8 Germans, 3 French, 2 Austrians and 1 San Marino national). The annual report and accounts of the Swiss National Accident Insurance Fund for the financial year 1954 are appended to the report.

With regard to the observation of the Committee of Experts asking the Government to confirm 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 agreement of 1950 between Switzerland and the Federal Republic of Germany, the Swiss Government replies as follows.

Swiss legislation with regard to the grant of allowances for increases in the cost of living contained until recently a provision to the effect that these allowances should be paid only to persons in receipt of pensions who resided in Switzerland. In various bilateral international agreements on social insurance questions, includ-

ing the agreement mentioned above, it was laid down that this provision should not be applicable to the parties to the agreement, that is to say, that the allowances for increases in the cost of living would be paid also to persons in receipt of pensions who resided in the territory of the other State party to the agreement. However, when the Federal Order of 27 March 1953 respecting payment of allowances for increases in the cost of living to pensioners of the Swiss National Accident Insurance Fund and the Labour Service (military or civil) was enacted, the domiciliary clause was abolished. Consequently, allowances for increases in the cost of living are now, and will be in the future, paid to nationals of all States which have ratified Convention No. 19 wherever they may be domiciled; they are treated in the same way as Swiss nationals.

*Union of South Africa.*

The total number of reported accidents to both Union nationals and non-Union Natives was 15,154.

*United Kingdom.**Great Britain.*

National Insurance Act, 1954.  
National Insurance and Industrial Injuries (Jersey) Order, 1954.  
National Insurance and Industrial Injuries (Luxembourg) Order, 1954.  
National Insurance and Industrial Injuries (Netherlands) Order, 1955.

*Northern Ireland.*

National Insurance Act (Northern Ireland), 1955.  
National Insurance and Industrial Injuries (Reciprocal Agreement with Luxembourg) Order (Northern Ireland), 1955.  
National Insurance and Industrial Injuries (Reciprocal Agreement with the Netherlands) Order (Northern Ireland), 1955.

The first of the above Orders gave effect in Great Britain to its social insurance agreement with the Isle of Jersey, under which persons in one jurisdiction are held not to be disqualified from receiving industrial injuries benefit by reason of their absence from the other jurisdiction. The Orders relating to Luxembourg gave effect in Great Britain and Northern Ireland to the multilateral social security convention signed in 1949 by the Brussels Treaty powers, as regards reciprocity with Luxembourg, and also to the 1953 social security convention between the United Kingdom and Luxembourg. The Orders relating to the Netherlands gave effect in Great Britain and Northern Ireland to the 1954 social security convention between the United Kingdom and the Netherlands.

In reply to the observations of the Committee of Experts in 1955 concerning payment of supplementary benefits to nationals of ratifying countries not a party to bilateral or multilateral agreements, the report states that the question is being pursued with the countries concerned and that a note of progress made during the year in this respect will be given in the next report. The report adds that no case has yet arisen in which a national of a ratifying country has been denied payment of supplementary benefits by virtue of existing restrictions in the bilateral agreements.



*Yugoslavia.*

For legislation see under Convention No. 24.

The report states that the Act of 24 November 1954 respecting sickness insurance of workers and employees confirms the principle established in previous legislation with regard to the equal rights granted to national and foreign workers. The nationality of the worker is never laid

down as a condition for acquiring the benefits granted by the law.

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

*Burma, Chile, Colombia, Czechoslovakia, Egypt, Finland, Iraq, Japan, Mexico, Nicaragua, Pakistan, Peru, Sweden, Uruguay.*

## 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
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> Convention denounced.

*Chile.*

Decree No. 1000 of 21 November 1945 to regulate the issue of industrial health books to bakery workers, as amended by the Decrees Nos. 932 of 5 October 1948 and 804 of 11 November 1954.

Copies of three decisions by the labour courts, which were communicated to the General Directorate of Labour, are appended to the report.

Section 357 of the Labour Code empowers labour and municipal inspectors, together with members of the corps of carabinieri, to visit bakery, pastry-making and similar establishments at any hour of the day or night. Such visits are carried out during the hours when work is prohibited and if the law has been broken the case is taken to the appropriate court. The employers' and workers' organisations have co-operated actively with the labour service in dealing with the few employers who infringe the regulations on night work. To this end, committees of employers and workers have been set up which, in conjunction with labour officials, have carried out an effective campaign to ensure that the offenders comply with the regulations. With the introduction of industrial health books for bakery workers, as required by Decree No. 1000 of 21 November 1945, infringements of the ban on night work in bakeries have ceased to a great extent, as no worker who is a trade unionist will be a party to breaking the law.

The number of infringements brought to light in 1954 was only 35, as compared with 121 in 1953.

No solution has yet been found to the problem referred to in previous annual reports, viz.

complaints by the employers' organisations regarding the losses caused by the legislation implementing the Convention.

*Colombia.*

The Ministry of Labour is at present studying measures to prohibit the making during the night of the articles mentioned in Article 1 of the Convention. The workers are opposed to this prohibition.

*Cuba.*

The report refers to earlier legislation, namely the Act of 2 June 1928 and Decree No. 2133 of 1928. Appended to the report, however, is a copy of the judgment issued by the Minister of Labour, dated 19 May 1955, in conciliation proceedings between the Bakery Workers' Union of the Province of Havana and the Association of Bakery Owners. With regard to night work the judgment provides that work shall begin at 12 o'clock midnight except for those special days in the year when, by agreement between the trade union and the employers, it may be necessary to begin at an earlier hour.

*Finland.*

During 1954 the number of bakeries inspected was 1,224 employing 10,965 workers, of whom 7,827 were women.

During the same year, 1,429 inspections were carried out, 138 of them by night, and prosecutions for infringement of the law were made in 33 cases.

*Ireland.*

During the period under review the competent authorities carried out 1,698 inspection visits in 652 bakeries, and noted 39 infringements of the legislation. Proceedings were instituted in all these cases except one, where the establishment concerned has since closed down. The remaining infringements occurred in one particular area during a strike by bakery workers.

*Israel.*

The report states that most of the contraventions reported by the Labour Inspectorate consist in beginning work half an hour before the prescribed time. The producers have suggested that the definition of "night" in the Act might

be amended so that 5 a.m. should be considered to be the end of the night instead of 6 a.m. This proposal will be brought to the attention of a tripartite committee.

The contraventions of the legislation were brought before the courts and in nearly every case a fine was imposed.

*Luxembourg.*

See under Convention No. 6 for information relating to inspection visits.

*Sweden.*

Seven contraventions of the legislation were noted by the competent authorities during the period under review. The penalties imposed were limited to fines.

*Uruguay.*

During the period under review there were 134 infringements of Act No. 11146 prohibiting night work in bakeries, and fines totalling 21,000 pesos were imposed.

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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
Denmark . . . . .	18. 5.1955
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 10,663 persons emigrated by sea to countries outside Europe. Of these 3,409 were Austrians, 5,140 persons of German ethnic origin, 1,619 non-German-speaking refugees, 418 Germans and 77 South Tyroleans.

*Belgium.*

Migratory movements through the port of Antwerp between 1 July 1954 and 30 June 1955 were as follows : direct departures 930 persons, including 238 Belgians, 283 Dutch and 193 Germans, and indirect departures 2,953 persons, including 1,594 Belgians.

*Cuba (First Report).*

Ordinance No. 155 of 15 May 1902.  
Decrees Nos. 55 of 13 January 1939, 2790 of 2 July 1951, and 2816 of 29 August 1955.  
Decrees Nos. 2583 and 2977 of 1933.

*Article 1 of the Convention.* The terms "emigrant vessel" and "emigrant" have not been defined. However, the term "emigrant" is taken to mean any person who enters Cuba in order to carry on a paid activity.

*Article 2.* The inspectors of immigration, who are under the General Directorate of Immigration, are the only persons competent to carry out the control of emigrants arriving in Cuba. The Government has not used the option provided for in paragraph 2 of this Article.

*Article 3.* Whatever flag is flown by the vessel, the inspectors of the Directorate of Immigration are responsible for receiving the emigrants on arrival and must ensure that they fulfil the statutory conditions required for admission to the country.

*Article 4.* The inspectors are appointed in accordance with the provisions of the Act respecting public servants. The Government has not appointed ships' doctors as official inspectors.

*Article 5.* Except in coastal navigation, the Cuban merchant marine carries merchandise almost exclusively.

*Article 6.* The authority of the master of the vessel is defined in the Commercial Code ; no inspector may encroach upon the master's authority.

*Article 7.* For the reasons indicated under Article 6, the provisions of Article 7 are inoperative.

The competent authorities are the General Directorate of Immigration, which is under the Ministry of State, and the harbourmasters. Cuban ships have not carried any emigrants.

Appended to the report are the text of the Decree of 22 March 1955 respecting the administrative organisation of the Department of Immigration, and statistics relating to aliens authorised to carry on an occupation in Cuba under the provisions at present in force respecting the nationalisation of labour.

*Finland.*

During the year 1954, 2,976 Finnish nationals emigrated.

*India.*

Statistics relating to the emigration of skilled workers during 1954 are not yet available ; during the year 1953, 10,711 skilled workers and their dependants emigrated to Malaya, the Middle East, British East Africa, Ceylon, etc., for short-term employment, ranging generally from two to three years, on approved contracts of service. During the year 1953, 47 emigrant and 42,870 non-emigrant unskilled workers went

to Ceylon; from 1 January 1954 to 30 June 1954 the latter numbered 25,790.

Emigrants travel on ordinary passenger ships, subject to a system of inspection at the ports of embarkation and disembarkation. The necessity for a general inspection of emigrants on board during the voyage has not yet arisen.

#### *Ireland.*

During the year 1954, 6,313 persons emigrated by sea to countries outside Europe.

#### *Japan.*

The Emigrant Protection Law No. 70 of 1896 which is at present in force will be abolished; new legislation concerning emigration, including administrative regulations, is in course of preparation. In drafting this legislation the provisions of the Convention will be fully respected.

*Article 3 of the Convention.* It is the practice to place on board a Japanese emigrant vessel one official inspector when the emigrants do not number more than 500 and two inspectors when they exceed 500. No agreements have been made with other governments respecting the appointment of official inspectors and no provisions have been made for the appointment of ships' doctors as official inspectors.

*Article 4.* The Ministry of Foreign Affairs is responsible for the enforcement of the Emigrant Protection Law of 1896.

The Japan Federation of Overseas Associations is in charge of the transport of emigrants under the supervision of the Ministry of Foreign Affairs.

On board ship emigrants set up a committee in charge of welfare, education, hygiene, publicity and recreation. The official inspector guides and supervises its activities.

The statistics appended to the report indicate that the number of Japanese nationals carried as emigrants on Japanese ships during the period under review was 9,316, whilst the number of Japanese nationals carried as emigrants on ships flying the flags of other countries during the period from 15 May 1953 to 15 June 1955 totalled 898.

#### *Nicaragua.*

The Convention has become a law of the Republic, but it has not been applied in practice owing to the fact that no cases have arisen similar to those covered by the Convention.

#### *New Zealand.*

The number of permanent residents who left New Zealand for good during the year ended 31 March 1955 was 9,012 (8,199 to British Commonwealth countries, 813 to other countries).

#### *Netherlands.*

A statistical table giving details of the total number (28,954) of emigrants who left the country during the period under review is appended to the report.

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

*Argentina, Australia, Burma, Colombia, Czechoslovakia, Hungary, Luxembourg, Mexico, Pakistan, Uruguay.*

## 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
Japan . . . . .	22. 8.1955
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.

#### *Belgium.*

During the period under review approximately 3,100 seafarers were covered by the provisions of the Convention. There were seven disputes relating to payments under the collective agreement for periods spent in port and payment of wages; four of these cases were settled by conciliation, two others by direct negotiation, and one taken before the Maritime Arbitration Board.

The divergence between Article 9 of the Convention and section 92 of the Act of 5 June 1928 respecting seamen's agreements will be removed by amending legislation which is expected to be laid before Parliament early in 1956.

#### *Chile.*

Supreme Decree No. 15 of 4 January 1955 to issue regulations implementing sections 181 and 241 of the Labour Code.

During the period under review the number of persons protected by the legislation was 3,944, of whom 2,331 were seamen. The six seamen's employment offices encountered no

difficulty in the placing of crews. Under the above-mentioned decree, the engagement of officers is carried out by five joint committees of shipowners and officers of the merchant marine, which advise the harbour-masters at the ports of Antofagasta, Valparaiso, Corral, Puerto-Mont and Punta-Arenas. The report states that joint committees could, if necessary, be set up in other ports.

#### *China.*

Merchant Shipping Act of 30 December 1929 (L.S. 1929—Chin. 3).

Regulations respecting the control of crew members.  
Regulations respecting the service of crew members.

*Article 1 of the Convention.* The Act and Regulations mentioned above cover vessels engaged in coastal trade, as well as vessels of over 20 tons or having a cubic capacity of more than 200 piculs.

*Article 2.* Under the Act the term "seaman" includes masters as well as crew members.

*Article 3.* The signing of articles of agreement between shipowners and seamen is provided for in section 16 of the Regulations respecting the control of crew members, and further details are still being examined by the Ministry of the Interior. Paragraph 4 of this Article is covered by section 20 of the same Regulations.

*Article 5.* The requirements of this Article are fulfilled by the regulations concerning the service of crew members.

*Article 6.* Seamen's articles of agreement in China are generally made on a monthly basis or for an indefinite period. The new forms of agreement now being worked out will include the detailed provisions contained in this Article.

*Article 7.* This Article is applied by section 4 of the Act.

*Article 8.* The provisions of this Article are applied in practice.

*Article 11.* The report refers to sections 39, 40, 66, 68 and 69 of the Act as being relevant.

The competent authority is the Navigation Department under the supervision of the Ministry of Communications. All disputes concerning questions of jurisdiction or interpretation are dealt with by courts of law and other matters not covered by maritime legislation are dealt with according to the Civil Code.

The Government adds that reports have been repeatedly received from a number of Chinese shipping companies which indicate that, since February 1951, a total of 81 seamen

employed on board their ocean-going vessels have deserted their ships while abroad, in breach of their contracts. The companies in question also allege that in certain countries illegal organisations still seem to exist which entice Chinese seamen away so as to exploit them. The Government requests that the necessary action be taken with a view to eliminating such activities.

Cuba.

Between 1 July 1954 and 30 June 1955, 83 inspections were carried out in the four ports of Cuba ; the number of seamen engaged was 699.

Finland.

During the period under review the number of inspections carried out in connection with the engagement and discharge of seamen was 18,159 and 18,820 respectively ; four infringements of the regulations were noted.

France.

On 1 January 1955 a total of 65,327 persons were registered as merchant seamen.

Federal Republic of Germany.

The report states that the Convention is applied in West Berlin.

Ireland.

During the period under review 5,255 seamen were signed on.

Italy.

During the period under review approximately

54,200 seamen were signed on. Of these 33,400 took service on steam or motor vessels (passenger or cargo) and 20,800 on smaller vessels (fishing and sailing boats).

Mexico.

Article 7 of the Convention. Section 287 of the Act respecting general lines of communication states that the articles of agreement of seamen and officers must comply with the requirements of the Federal Labour Act. The safeguards embodied in the latter enactment are such that there would be no point in annexing the articles of agreement to the list of crew.

Article 13. Mexican legislation contains no provision specifically stating that a seaman is entitled to leave his ship to take a post of higher grade, but, on the other hand, there is no provision forbidding seamen to leave their ship except section 145 of the Federal Labour Act, which lays down that articles of agreement may not be terminated during the 24 hours preceding the sailing of the ship. The report emphasises that hitherto sailors who have left their ship have never encountered any trouble as a result.

New Zealand.

Shipping and Seamen Amendment Act, 1954.  
Industrial Conciliation and Arbitration Act, 1954 (L.S. 1954—N.Z. 1).

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

Australia, Burma, Canada, Colombia, India, Luxembourg, Netherlands, Nicaragua, Norway, Pakistan, Poland, United Kingdom, Uruguay, 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.

Argentina.

Consular Regulations approved by Decree No. 12354 of 1947.

In reply to the observations made last year by the Committee of Experts the Government states that sections 174 and 175 of the Regulations mentioned above are in conformity with Article 4 (b) and Article 5, paragraph 1, of the Convention.

Belgium.

During the period under review 42 seafarers were repatriated ; no objections were raised in this connection.

China.

Merchant Shipping Act of 30 December 1929 (L.S. 1929—Chin. 3).

Articles 1 and 2 of the Convention. See under Convention No. 22.

Article 3. The Act provides for the repatriation of such seamen to their port of engagement at the shipowner's expense.

Article 4. The spirit of this Article is incorporated in section 65 of the Act.

*Article 5.* Paragraph 1 is partly applied by section 65 (2) of the Act. Although no provisions cover the requirements of paragraph 2 of this Article, it is stated that necessary action will be taken when such circumstances arise.

*Article 6.* The competent authorities under the Ministry of Communications as well as Chinese diplomatic missions abroad are responsible for supervising the repatriation of seamen.

*Cuba.*

Between 1 July 1954 and 30 June 1955, 83 inspections were carried out in the harbour of Santa Cruz del Sur, but no cases of contravention or repatriation of seamen were reported.

*Federal Republic of Germany.*

The report states that the Convention is applied in West Berlin.

*Ireland.*

Ten seamen were repatriated during the period under review.

*Italy.*

During the period under review 1,666 seamen

were repatriated at the expense of shipowners or the public authorities.

*Mexico.*

Collective labour contract of the Trade Union of Petroleum Workers of the Mexican Republic, 1953-55.

Clause 242 of the above-mentioned collective contract ensures the application of the provisions of the Convention to the crews of Mexican tankers engaged in maritime navigation. Under this clause, in the event of loss or sale of the vessel the owner is required to repatriate the crew to the port where the contract was signed.

To supplement the information supplied in previous reports, the Government states that vessels cannot change their flag before the expenses of repatriation of the seamen to the national port have been paid, in accordance with section 284 of the Act respecting general lines of communication and various regulations issued under it.

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

*Colombia, France, Luxembourg, Netherlands, Nicaragua, Poland, Uruguay, 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
Haiti . . . . .	19. 4. 1955
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.*

Federal Act of 6 July 1954 to change the basis for the assessment of social insurance pensions (Chapters VI and VII).

By the above-mentioned Federal Act the definition of the concept of "remuneration" which is the basis for the assessment of the contributions to be paid by the employers and the workers was slightly modified. Certain special remunerations were taken into account for the assessment of contributions and cash benefits. A minimum basic wage of 16 schillings per calendar day was fixed for the assessment of contributions and cash benefits, and the maximum basic wage increased to 80 schillings per calendar day.

Section 111 of the Social Insurance (Transitional Provisions) Act of 12 June 1947 was cancelled by the Constitutional Court (see under Convention No. 17).

The total number of workers and employees in industry, commerce and domestic service covered by compulsory sickness insurance was 1,500,000 (1,117,000 wage earners and 383,000 salaried employees). In addition, 61,000 federal railway officials and 118,000 officials in other public services were covered by the scheme. The total amount paid out in cash benefits was 449.2 million schillings (189.30 schillings per insured person); benefits in kind amounted to 1,168.2 million schillings (492.30 schillings per insured person). The total financial resources amounted to 1,760.1 million schillings, made up as follows: employers' contributions, 692.7 million; insured persons' contributions, 741.5 million; from public funds 325.9 million, includ-

ing 181.1 million schillings paid by pension insurance institutions for the sickness insurance of pensioners.

#### *Chile.*

Act No. 11745 of 15 November 1954 to provide that persons who by reasons of a constitutional or statutory mandate give up their employment in order to fulfil the duties of people's representative may retain their membership of their insurance fund. Decree No. 1151 of 17 November 1954 to extend compulsory social insurance (Act No. 10383) to cover workers in the provinces of Aysen and Magellan employed in stock breeding or refrigerating undertakings.

Various decrees governing the operations of the National Health Service.

In 1954 the number of insured persons was 1,150,000, including 414,230 agricultural workers. In addition, the wives and the children under 15 years of age of the insured members and also persons in receipt of a pension (about 1,300,000 persons in all), are entitled to medical benefits. The amount of sick benefit and maternity benefit granted in cash was 896 million pesos (779 pesos per insured person). The cost of benefits in kind was 1,007 million pesos (875 pesos per insured person). The total resources amounted to 3,984 million pesos, of which 2,191 million were contributed by the State.

The text of three decisions given by the labour courts is appended to the report; these decisions deal with questions relating to the present Convention (No. 24), the Old-Age Insurance (Industry, etc.) Convention, 1933 (No. 35) and the Invalidity Insurance (Industry, etc.) Convention, 1933 (No. 37).

#### *Colombia.*

In reply to the observations made by the Committee of Experts in 1955 the Government's report gives details with regard to the scope of health insurance. This form of insurance was at first limited to the town of Bogotá and to five neighbouring municipalities. In 1950 the Regional Fund of Antioquia was instituted, the scope of which covers the town of Medellín and five neighbouring municipalities; in 1951 the Regional Fund of Quindío and of Norte del Valle was set up, covering several municipalities of the departments of Caldas and Valle del Cauca. The Government planned to set up a regional fund in 1955 in the department of the Valle del Cauca, which will cover 28 municipalities.

Furthermore, also in 1955, a voluntary insurance scheme was to be established for the workers and the members of the employer's family who are not covered by compulsory insurance.



On 31 December 1954 the number of wage earners subject to compulsory insurance was 192,859, including 17,175 agricultural workers. In addition, the wife of an insured person or the woman living with him received maternity benefit, and their children, in the event of sickness, received treatment up to the age of six months. The number of these beneficiaries was 66,700. The cost of cash benefits for the year 1954 was 1,779,295 pesos, or an average of 9.61 pesos per insured person. The cost of benefits in kind was 20,253,166 pesos, or 109.36 pesos per insured person. The total resources amounted to 30,307,000 pesos (employers' contributions: 15,153,000; insured persons' contributions: 7,577,000; State contribution: 7,577,000).

#### *Czechoslovakia.*

Notice No. 169 of 28 July 1954 of the Central Council of Trade Unions, respecting the procedure for the grant of benefits under workers' sickness insurance. Notice No. 194 of 3 September 1954 of the Central Council of Trade Unions and of the State Pensions Insurance Office, respecting students' national insurance.

Notice No. 169 of 1954 regulates the right of appeal on questions of benefits. The decisions regarding insurance benefits are entrusted to the workers themselves, acting through their trade union organs. The latter also settle appeals, and the decision of the Central Council of the respective Central Union is considered as final. In the event of a breach of the law, the Attorney-General may protest against a decision of the Central Council. The insured persons retain the right of approaching the Attorney-General if they consider that the decision taken by the trade union organ constitutes a breach of the law.

National insurance has been extended to cover students of high schools and of certain vocational schools, subject to a number of exemptions as regards the rate of benefits and allowances granted.

In reply to the observation made by the Committee of Experts relating to the payment of national insurance contributions, the Government states that in connection with the new regulations governing taxation of wages the deductions from wages as a contribution to insurance have been abolished. The insurance contributions paid by the employer have been amalgamated to form one single contribution to national insurance. The rates have been readjusted. The contributions include both sickness insurance and pensions insurance. This means that according to the present arrangements the workers do not pay contributions either to sickness insurance or to pensions insurance.

#### *France.*

Act No. 55-729 of 28 May 1955 to determine the position of directors of limited liability companies and chairman-directors and general directors of joint stock companies with regard to social security legislation.

Decree No. 55-676 of 20 May 1955 respecting different provisions concerning social security.

Decree No. 55-568 of 20 May 1955 to amend the Ordinance of 19 October 1945 determining the social insurance scheme applicable to insured persons in non-agricultural occupations.

Decree No. 55-840 of 27 June 1955 to issue public administrative regulations under Decree No. 55-568 mentioned above.

The report states that the benefits granted by French legislation were already better than those laid down by the Convention and that the Decree of 20 May 1955 has increased these benefits by abolishing the distinction previously made between ordinary illnesses and those which may give rise to long-term sickness benefits. The idea of long-term sickness insurance has been abolished and this form of insurance has been amalgamated with sickness insurance, the working procedure of which has been improved and simplified. In the future, insured persons and their families may be granted benefits in kind for an indefinite period for any form of illness whatsoever so long as they remain covered by insurance.

*Article 2 of the Convention.* The Act of 28 May 1955 lays down the conditions under which directors of limited liability companies shall be compulsorily affiliated to the social security system.

*Article 3.* The Decree of 20 May 1955 provides that daily benefit may be paid up to the end of the third year of absence from work if the insured person fulfils the conditions specified; the decree also lays down the conditions for maintaining the benefit in the event of absence from work followed by return to work. It stipulates that, if there is a general rise in wages after the sick person has begun to receive benefit and if his absence from work continues beyond the third month, the rate of daily benefit may be revised. The conditions for entitlement to benefit for the first six months remain unchanged. On the other hand, in order to be entitled to this benefit after the sixth month of incapacity for work, if absence from work continues uninterruptedly beyond the sixth month, the insured person must have been insured for not less than 12 months at the date when he left work and must be able to prove either that he worked for not less than 480 hours during those 12 months—120 hours of which must have been worked during the three months preceding his leaving work—or that he was involuntarily unemployed for a similar period.

*Article 4.* The Decree of 20 May 1955 prescribes payment of benefits in kind for an unlimited period providing that the insured person is fulfilling the conditions entitling him to benefit at the date when the medical care was given for which repayment is requested. These conditions are the same as they were previously, except that the date at which they must be fulfilled has been changed; while previously the date in question was that of the first medical findings, it is now the date when the first medical care was given for which repayment is requested. The decree also provides that insured persons suffering from a long-term complaint or obliged to undergo especially costly treatment may benefit by easier conditions: they may be wholly or partially exempted from payment of the 20 per cent. which is their usual share of the expenses. In the event of a long-term complaint or of absence from work

or continuous medical care for longer than six months, the insured person must be examined jointly by the medical practitioner and the medical adviser; in the event of non-observance of this provision penalties may be imposed which may go as far as the discontinuance of benefits; also, under pain of the same penalties, the insured person must submit to the treatments jointly prescribed by the two doctors. In addition, a number of measures of control are provided, especially as regards patent medicines and costs of hospitalisation.

*Article 5.* The Decree of 20 May 1955 changes slightly the concept of beneficiaries. Furthermore, in the case of children under 20 years of age who are permanently incapable of undertaking paid work owing to physical disability or sickness, and who are considered to be beneficiaries of the insured person, the condition of chronic sickness is substituted for the condition of incurable sickness.

*Article 9.* The Decree of 20 May 1955 has modified the composition of the disputed claims committees with the object of giving the assessors a more effective role without seeking an exact representation of the parties concerned. Furthermore, the decree provides that the party who is defeated, in the event of proceedings which are clearly improper or dilatory, shall pay the expert's fees and will possibly also have to pay a fine under civil law.

A statistical statement on the working of the sickness insurance scheme is appended to the report: 8,400,000 wage earners and assimilated persons are insured under the general scheme for all risks; 1,380,000 under the general scheme 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 2,560,000 under compulsory schemes independent of the general scheme (mine workers, employees of the French National Railways and branch lines, men enrolled for naval conscription, agricultural workers, and regular soldiers); this makes a total of 12,340,000 wage earners and assimilated persons covered by compulsory insurance. It is estimated that some 17½ 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. During the period under review the total amount spent on cash benefits was 48,201 million francs, i.e. 32,748 million for sickness insurance proper and 15,453 million for long-term sickness insurance, which is an average of 5,738 francs per insured person. The total expenditure on benefits in kind under the general scheme for non-agricultural occupations (9,780,000 insured persons) amounted to 204,558 million, i.e. 167,775 million for sickness insurance proper and 36,783 million for long-term sickness insurance, which is an average of 20,916 francs per insured person.

Social insurance contributions received during the period covered by the report amounted to 426,524 million francs for the general scheme (full insurance), 16,984 million for officials and workers in the government service (partial insurance) and 7,908 million for the miscellaneous

schemes (partial insurance) making a total of 451,416 million. Of this total sum, workers' contributions may be estimated at 172,392 million and employers' contributions at 279,024 million. In addition, 79 million were received in respect of students. The scheme does not include financial contributions by the Government except on the one hand in respect of students (937 million paid out during the period in question and budget credits of 769 million for 1954 and 780 million for 1955), and on the other in respect of severely handicapped persons, war widows and orphans (1,640 million were paid out during the period in question; costs to be covered by the State: 2,300 million).

#### *Federal Republic of Germany.*

Statistical data for 1953 show that the total average number of employed wage earners, salaried employees and officials was 15,383,000 (including 982,000 persons employed in agriculture, stockbreeding, forestry and hunting, horticulture and fisheries). The total number of compulsorily insured persons was 14,535,000, including 1,067,000 drawing unemployment insurance and unemployment relief; in addition 1,497,000 persons were voluntarily insured under the statutory sickness insurance scheme. The scheme also covered about 11,600,000 dependants of compulsorily insured persons and 1,600,000 dependants of voluntarily insured persons. Some 30,200,000 persons were therefore covered by the 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 920 million marks (54.02 marks per year and per person insured) and that for benefits in kind was 1,953 million marks (114.67 marks per year and per person insured). The total receipts amounted to 3,185,400,000 marks, which included the following sums: (a) compulsory insurance: employers' contributions: 1,407,000,000 marks, workers' contributions: 1,369,700,000 marks; (b) voluntarily insured persons' contributions: 355,700,000 marks; (c) subsidies from public funds: 26,200,000 marks.

The report adds that the Convention is applied in West Berlin.

#### *Hungary.*

Act No. XXI of 1927 concerning compulsory sickness and accident insurance as modified and completed by more than 100 laws and regulations.

The most important of the post-war amendments are as follows:

Decree No. 2300 of 1945 respecting the autonomy of social insurance and transitional measures for social insurance.

Decree No. 10450 of 1948 respecting certain modifications of Act No. XXI of 1927.

Decree No. 9 of 1950 respecting privileges granted to workers who have been employed for a long period in the same employment.

Decree No. 130 of 1950 respecting medical benefits granted to workers.

Decree No. 165 of 1950 respecting the transfer to undertakings of the administrative responsibilities of social insurance.

Legislative Decree No. 36 of 1950 respecting the organisation of social security.

Decree No. 239 of 1950 respecting changes in the sickness insurance benefit scheme.

Decree No. 214 of 1951 respecting changes in certain social insurance provisions.

Decree No. 94 of 1952 respecting changes in certain sickness insurance provisions.

Decree No. 51 of 1953 respecting changes in certain sickness insurance provisions.

Regulation No. 2 of 1952 of the Central Council of Trade Unions, containing executive measures respecting sickness insurance.

*Article 2 of the Convention.* Chapter I of Act No. XXI of 1927 in its original form is still in force and is in conformity with the provisions of this Article of the Convention.

*Article 3.* Under Decree No. 94 of 1952 an insured person is entitled to a cash benefit from the first day of incapacity for work for a maximum period of one year or, in cases of a pulmonary disease, up to two years.

*Article 4.* Medical treatment is granted free of charge. As a rule the insured person is required to bear 15 per cent. of the cost of medicaments so long as he is entitled to cash benefit. Medicaments necessary for the treatment of certain diseases (tuberculosis, etc.) or medicaments particularly expensive are furnished free of charge. The insured person who is capable of working is entitled to benefits in kind without any time limit so long as he is employed.

*Article 5.* The members of an insured person's family are entitled to the same benefits as the insured person himself, except cash benefit. They are entitled to hospitalisation for 90 days per year or, in the case of tuberculosis, for 180 days. For certain infantile diseases of long duration the period is 270 days per year.

*Article 6.* The sickness insurance scheme is administered by the trade unions under the direction of the Central Council of Trade Unions.

*Article 7.* The scheme is financed by contributions paid only by the employers.

*Article 9.* The right to appeal is guaranteed to the insured person.

#### *Luxembourg.*

Act of 30 November 1954 to approve the Convention on social security between the Grand Duchy of Luxembourg and the United Kingdom of Great Britain and Northern Ireland and the Protocol relating to benefits in kind, signed at London on 13 October 1953.

Grand Ducal Order of 13 December 1954 to publish the Administrative Arrangement between the social welfare authorities of the countries signatories of the Treaty of Brussels, respecting the methods of application of the Convention to extend and co-ordinate the application of the various forms of social security legislation to nationals of the contracting parties of the Treaty of Brussels, signed at Paris on 7 November 1949 by the Governments of Belgium, France, Luxembourg, the Netherlands and the United Kingdom of Great Britain and Northern Ireland.

Ministerial Order of 23 December 1954 to fix the average value of remuneration in kind for the purpose of applying the Act of 17 December 1925 respecting social insurance and the tax deduction on wages.

Act of 24 December 1954 to approve the Supplementary Agreement No. 2 to the General Convention of 12 November 1949 between the Grand Duchy of Luxembourg and France concerning a social security scheme applicable to frontier workers, and the Protocol concerning the application of this Agreement, signed at Paris on 19 February 1953.

Grand Ducal Order of 9 January 1955 to publish the Administrative Arrangement respecting the methods of application of the General Convention on Social

Security between the Grand Duchy of Luxembourg and the Republic of Italy, signed at Luxembourg on 19 January 1955.

Grand Ducal Order of 25 May 1955 for the election of the delegations and managing committees of the sickness funds governed by the Social Insurance Code.

Grand Ducal Order of 28 May 1955 respecting the repayment of family relief granted by the sickness funds during periods of military service of insured persons in execution of section 20 of the Social Insurance Code.

The funds dealing with sickness insurance of workers have no special sections for the different branches of the economy (industry, commerce, agriculture, etc.), and the Government therefore can supply statistical information only for the insured persons in these funds taken as a whole.

In 1954 an average of 81,181 persons were insured; 16,929 came under the sickness insurance scheme for persons in receipt of old-age, invalidity or survivors' pensions, 3,174 under voluntary insurance, and 61,078 persons were compulsorily insured by virtue of their employment. The total resources of the funds in question in 1954 amounted to 237.1 million francs (67.2 million from employers' contributions, 149.7 million from insured persons' contributions and 20.2 million from contributions from the State and the Pensions Insurance Institute). Expenditure by the funds in cash benefits paid for incapacity for work was 59.6 million francs (975.23 francs for each compulsorily insured member in employment); the amount spent on benefits in kind, including funeral benefit, granted to insured persons was 93.4 million francs (1,150.51 francs per insured person), and to members of insured person's families 75.6 million francs (931.13 francs per insured person).

The average membership of the sickness insurance funds for officials and salaried employees in 1954 was 14,032. The total resources of these funds in 1954 was 37.6 million francs (10.1 million from statutory contributions by employers, 2.9 million from voluntary contributions by employers, 22.7 million from contributions by insured persons and 1.9 million from contributions by the State and the Pensions Insurance Institute). The expenditure of these funds for cash benefits paid in cases of incapacity for work was 500,000 francs (39.63 francs for every compulsorily insured member in employment), and for benefits in kind, including funeral benefit, paid to insured persons, 19.7 million francs (1,403.06 francs per insured person) and to members of families, 15.3 million francs (1,089.67 francs per insured person).

#### *Poland.*

Decree of 2 February 1955 respecting the transfer of the payment of sickness benefit to the occupational trade unions.

By the above-mentioned decree the payment of cash benefits in the event of illness or maternity has been entrusted to the occupational trade unions. The local trade unions pay the benefits under the supervision of the Central Social Insurance Administration, which is an organ of the Central Council of Trade Unions.

An appeal may be lodged by the persons concerned against the decisions of the local trade

unions with a trade union organisation of a higher grade. The Central Social Insurance Administration, in its capacity of central organ of control, may annul the decisions of the regional trade union organisations.

The benefits in kind paid in the event of sickness or maternity are still granted by the administration of the state medical service and in particular by the "health centres", under the control of the Ministry of Health.

#### *United Kingdom.*

##### *Great Britain.*

National Insurance Act, 1954.

National Insurance Act, 1955.

Various Regulations and Orders, issued in 1954 and 1955, relating to increase of benefit, unemployment and sickness benefit, maternity benefit, contributions, reciprocal agreements and the National Health Service.

##### *Northern Ireland.*

National Insurance Act (Northern Ireland), 1955.  
National Insurance (No. 2) Act (Northern Ireland), 1955.

Various Regulations and Orders, issued in 1954 and 1955, relating to increase of benefit, unemployment and sickness benefit, maternity benefit, contributions, reciprocal agreements and health services.

The basic rate of sickness benefit and maternity allowance was increased as from 19 May 1955 from 32s. 6d. to 40s. per week, while sickness benefit payable in respect of a married couple was raised from 54s. to 65s.; rates of benefit for youths and married women, increments in respect of children, and maternity grants were increased at the same time. Contribution rates of insured persons and employers and State supplements were raised as from 6 June 1955. The income limit under which a self-employed person can choose whether or not to pay contributions has also been raised from £104 to £156 a year.

At 31 December 1953, 20,800,000 contributors in Great Britain and 529,000 contributors in Northern Ireland to the National Insurance Schemes were covered for sickness benefit.

Expenditure on sickness benefit in the United Kingdom, exclusive of administrative costs, totalled about £88 million during the year ended 31 March 1954.

#### *Uruguay.*

Act No. 12177 of 4 January 1955 to establish a sickness allowance for the workers and salaried employees of the Uruguayan Public Transport Company.

The Act of 4 January 1955 to establish a sickness allowance for the workers and salaried employees of the Uruguayan Public Transport Company covers about 4,000 persons.

The sickness fund is constituted by contributions from the State, the undertaking and the workers, and is administered by an honorary tripartite committee.

The sickness allowance is paid from the third day of sickness for a maximum period of one year, and is equal to two-thirds of the normal wage.

In the event of an incurable disease which renders the insured person definitely and finally incapable of work, he may claim his rights to a pension. In this case the above-mentioned committee may decide unanimously to pay a

lump sum which cannot exceed the equivalent of 100 days' allowance for workers who are entitled to a pension and 150 days for those who are not so entitled.

#### *Yugoslavia.*

Act of 24 November 1954 respecting health insurance for wage and salary earners (L.S. 1954—Yug. 2).  
Decree of 29 December 1954, to give effect to the above Act.

Decree of 19 March 1955 respecting the establishment of the Social Insurance Office.

Decree of 19 March 1955 respecting the financing of social insurance.

In virtue of the Act respecting health insurance for wage and salary earners, all wage and salary earners employed in the territory of Yugoslavia are insured, regardless of sex, age and nationality.

The report gives details with regard to the categories of persons covered by the health insurance legislation, and concludes that the scope of Yugoslav legislation is wider than that of the Convention.

The report specifies the conditions under which persons covered by the legislation may claim daily benefit.

Persons who could claim a pension, but who continue to work, are entitled to daily benefit in the event of illness.

Compensation for loss of earnings while an insured person is taking care of a sick member of his family is payable for a period of 15 or seven days, according to the age of the sick person.

Daily benefit is payable during the whole period of temporary incapacity. The right to benefit is acquired without any qualifying period, that is to say, from the first day of employment, but the rates of benefit vary in proportion to the length of the insurance period or the nature of the illness. Insured persons who have been insured for six consecutive months or for an aggregate of 12 months over the last two years are entitled to 80 per cent. of the amount taken as the basis for calculating compensation for the first seven days of illness and thereafter 90 per cent.; other insured persons are entitled to 60 per cent. of the basis of compensation for the first seven days and 70 per cent. thereafter.

Special conditions are provided for persons suffering from tuberculosis.

An insured person loses his right to benefit if his incapacity is due to a punishable act of which he has been duly convicted, or if he intentionally brought about his incapacity in order to obtain sickness insurance benefit, or if he fails without good cause to comply with instructions to appear for examination by a physician or medical board, or if he fails without good cause to undergo any specified treatment for which his consent is not required under the law in force.

The report indicates the medical treatment supplied in institutions or at the patient's home and the types of health care to which members of the family of the insured person are entitled in the event of illness.

Wage and salary earners working under a contract, together with other assimilated categories, are entitled to care of the teeth, dental appliances, artificial limbs, surgical appliances

and orthopaedic aids, and treatment in health resorts, provided that they have been employed for not less than six consecutive months or for an aggregate of 12 months during the two years preceding the illness. Persons temporarily unemployed are assimilated to insured persons.

The members of the family of the insured person benefit from health insurance. The report supplies details as to the conditions under which the spouse of a deceased insured person, or the divorced spouse, or the father and mother of a deceased insured person, may acquire this right.

The health insurance scheme is administered by the social insurance offices, which are independent institutions based on the principle of self-management by the people. There are district and town offices, offices for the republics and a federal office. The insured persons secure the self-management of the social insurance offices by means of assemblies. The members of the assemblies of the district or town social insurance office are elected directly by the insured persons by secret ballot. The members of the republic offices and the federal office are elected by the members of the assemblies of the district or of the republic.

The report includes details as to the powers and operation of the social insurance offices, the supervisory bodies, the assemblies and the executive boards of the offices.

The financing of the social insurance scheme is ensured by employers' contributions. Excep-

tions are made for insured persons of Yugoslav nationality working abroad under conditions laid down by the law. Health insurance funds are set up under the social insurance offices of the People's Republics. These funds serve to cover the deficits of social insurance offices of the area and also meet any deficits resulting from exceptional incidence. The report considers that this system of financing does not necessitate a subsidy or contribution from the Government.

The insured person and the trade union to which he belongs, together with other organisations, including the government institution in which the insured person is employed, are entitled to appeal against the decision of the social insurance office. This appeal is made to the social insurance office of the district or of the republic. The decision on the appeal is final. It has the character of an administrative instrument and may be the object of an administrative statement.

The report states that during the period from 1 July 1954 to 30 June 1955 the average number of wage earners covered by health insurance, excluding agricultural wage earners, was 2,268,200. During the same period cash benefits to the amount of 6,366 million dinars were paid out, or 223 dinars per insured person. Benefits in kind cost 24,891 million dinars, or 873 dinars per insured person.

The report from *Nicaragua* reproduces the information previously supplied.

## 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
Haiti . . . . .	19. 4.1955
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.*

See under Convention No. 24.

Statistical data for 1954 show that the total number of persons employed in agriculture and forestry and covered by compulsory sickness insurance was 202,500 (191,000 wage earners and 11,500 salaried employees). The total amount paid out in cash benefits was 42.1 million schillings (132 schillings per insured person) and in benefits in kind 108.5 million schillings (340.20 schillings per insured person). The total financial resources amounted to 174.3 million

schillings, made up as follows : employers' contributions, 63.2 million ; insured persons' contributions, 77.3 million ; public funds, 33.8 million (including 27.7 million paid by pension insurance institutions for the sickness insurance of pensioners).

### *Chile.*

See under Convention No. 24.

The Government communicates a copy of two decisions of the labour courts referring to questions which come under the present Convention, the Old-Age Insurance (Agriculture) Convention, 1933 (No. 36), and the Invalidity Insurance (Agriculture) Convention, 1933 (No. 38).

### *Colombia.*

See under Convention No. 24.

The Colombian Social Security Institute is studying the establishment of a social insurance scheme for agricultural workers which would be more adequately adapted to their requirements.

### *Czechoslovakia.*

See under Convention No. 24.

### *Federal Republic of Germany.*

See under Convention No. 24.

*Luxembourg.*

See under Convention No. 24.

*Poland.*

See under Convention No. 24.

*United Kingdom.*

See under Convention No. 24.

*Yugoslavia.*

See under Convention No. 24.

The average number of agricultural workers covered by compulsory insurance for the period 1 July 1954 to 30 June 1955 was 94,000.

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

*Nicaragua, Uruguay.*

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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
Viet-Nam . . . . .	14. 6.1955

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

#### *Australia.*

The Public Service Administration Act, 1920-1952, was amended in May 1955 so as to clarify the procedure involved in the hearing of appeals from decisions of the Public Service Arbitrator. The amendments provide, *inter alia*, that legally qualified members or officers of an industrial organisation may represent it in proceedings under the Act; that parties in proceedings before the Commonwealth Court of Conciliation or Arbitration or the Chief Judge of that Court, may be represented by counsel or solicitor; that the Arbitrator has power, like the Court or a conciliation commissioner, to refuse to proceed with a matter which is trivial or proper to be dealt with by another industrial tribunal; and that a Determination of the Public Service Arbitrator goes into effect 30 days after it is laid before the Houses of Parliament, unless the Arbitrator fixes a later date.

The New South Wales Industrial Arbitration Act, 1940-1953, was amended in April 1955 to provide for an increase in the maximum number of judges on the Industrial Commission from six to 12 and for the appointment of nine practising

barristers and solicitors as members of the Industrial Commission.

In Victoria there was a further extension of the minimum wage fixing machinery to primary industries by the establishment of the Shearing Industry Employees' Board and the Agricultural and Pastoral Workers' Board.

The Industrial Court of Queensland and the Court of Arbitration of Western Australia undertook quarterly examinations to determine whether there should be changes in basic wage rates because of price changes. Both courts decided against altering wage rates.

Although no precise or reliable figures are available to indicate the number of workers covered by the minimum wage machinery, the Government reports that the vast majority of workers in Australia are so covered.

#### *Belgium.*

During the period under review the collective agreement covering homeworkers in the branch of the fur industry referred to in last year's report has been made generally binding.

Twenty contraventions were reported by the social inspection service in application of the legislation regarding wages. Of these cases, two were not followed up, two gave rise to a conviction, and the outcome in respect of the remaining 16 cases is not yet known.

Following the request made in 1955 by the Committee of Experts the report specifies that of the 45 contraventions reported for the year 1953-54, six cases were not followed up, 18 gave rise to a conviction, two were settled by agreement and two were dismissed; the outcome of the remaining 17 cases was still not known on 18 May 1955.

#### *Canada.*

One minor legislative change is reported. An amendment to the Saskatchewan Minimum Wage Act requires at least a week's written advance notice of termination of employment in the case of employees with three months' service or more or payment in lieu of notice equivalent to normal minimum wages.

Six new orders were issued and one order was revoked and replaced in five provinces. In British Columbia a new construction industry order established a minimum hourly rate of \$1.50 for tradesmen and \$1 for other employees, while another order sets a minimum of \$1 an hour in the logging and sawmill industries. Newfoundland issued its first order for women workers, establishing a 35 cents minimum hourly rate for all women workers except



domestic workers in private homes. The general male order issued in 1953 was revoked and replaced by a new order establishing a rate of 50 cents an hour for men, which now covers not only hourly paid workers but also those paid a fixed wage for a week or month. In Nova Scotia a special order was issued for women employed in beauty parlours to permit lower learners' rates and a longer learning period than those provided for women workers generally. Ontario established weekly minimum rates for experienced women employees according to three zones, based upon the population of the industrial centre concerned.

About 65,000 inspections were reported by various provinces; wage adjustments amounting to close to \$175,000 were effected under minimum wage orders; 35 employers were prosecuted for failure to comply with Minimum Wage Acts, with three convictions for contraventions being reported.

### *Chile.*

The report contains very full particulars of the various joint committees that have been in operation during the period under review, and particulars of the wage rates that have been fixed by the joint committees for the different categories of workers. It states that the number of workers covered by the country's minimum wage legislation is about 138,000. In addition, more than 160,000 wage earners have benefited from the decisions taken to settle various collective disputes that arose in 1954. The over-all wage increase resulting from these decisions totalled more than 2,800 million pesos.

Copies of three court decisions relating to the application of the Convention are appended to the report.

### *Colombia.*

Decree No. 1156 of 26 April 1955.

Decree No. 2101 of 29 July 1955.

Decree No. 1156 of 26 April 1955 institutes a system of joint committees of workers and employers in the capital, departments, provinces and jurisdictions, specifies the employers' and workers' organisations to be represented on these committees and fixes the date on which they are to be set up (ten days after the publication of the decree).

Decree No. 2101 of 29 July 1955 amends the former decree; it gives a detailed list of the workers' associations to be represented on the joint committees and extends the time limit for the appointment of delegates (30 days after the promulgation of the decree).

### *Cuba.*

Agreement No. 161 of 5 May 1954.

Agreement No. 163 of 2 July 1954.

Agreement No. 164 of 10 November 1954.

Agreement No. 166 of 7 January 1955.

Agreement No. 167 of 11 January 1955.

Agreement No. 168 of 12 January 1955.

Decree No. 2692 of 11 August 1954.

Agreement No. 161 of 5 May 1954 fixes minimum wage rates for night watchmen and guards (privates, corporals and sergeants) employed by non-profit-making associations and clubs.

Agreement No. 163 of 2 July 1954 amends Agreement No. 123 of 1 November 1949 and includes a small number of metal workers in the mines and minerals sector.

Agreement No. 164 of 10 November 1954 fixes minimum wage rates for persons employed in drugstores.

Agreement No. 166 of 7 January 1955 rejects an application for an established minimum wage submitted by the Cuban Federation of Commercial Travellers' Associations and the Central Association of Salesmen and Commercial Travellers.

Agreement No. 167 of 11 January 1955 rejects an application for a higher minimum wage submitted by the Havana Provincial Hardware and Pottery Workers' Union.

Agreement No. 168 of 12 January 1955 raises by 20 per cent. the minimum wage rates of workers in the phosphorus and related industries.

Decree No. 2692 of 11 August 1954 amends Decree No. 2142 of 1935, whose only purpose was to establish the National Minimum Wage Committee and enable it to begin its work. The new decree lays down new rules for the Committee's work, fixes its membership and establishes new standards of efficiency.

### *Czechoslovakia.*

Constitution of 9 May 1948 (L.S. 1948—Cz.3) (article 27).  
Act No. 244 of 1948 respecting the State wage policy.  
Government Ordinance No. 27 of 1951 respecting the regulation of the State wage policy and the establishment of a State Wage Commission.

Government Resolution of 24 February 1953 respecting the competence of State bodies to regulate and enforce the wage policy.

Act No. 88 of 1950 respecting administrative penal sanctions (section 74).

Act No. 86 of 1952 respecting the Control and Auditing Service of the Ministry of Finance (section 2).

Act No. 142 of 1950 respecting rules of civil proceedings (section 407).

In Czechoslovakia there are no trades or parts of trades in which no arrangements exist for the effective regulation of wages within the meaning of Article 1 of the Convention or in which wages are exceptionally low. The report cites the provisions of article 27 of the Constitution which relate to wages.

The Government is the supreme body for the regulation of wages and lays down principles for wage fixing. The regulations now in force make the Ministry of Labour and Social Welfare responsible for the enforcement and supervision of the wage policy; it has been authorised to fix and regulate wages and other monetary remuneration for workers in general and homeworkers, and also to determine piece rates, bonuses, etc. Ordinance No. 27 of 1951 did not modify the principles laid down in the 1948 Act; it merely transferred the powers exercised by the Ministry to a higher body, the State Wage Commission, and entrusted responsibility for and supervision of the wage policy to the various economic ministries whose task it is to manage nationalised undertakings. The State Wage Commission is therefore a governmental agency which directs the State wage policy. It is headed by the Prime Minister and its other members are appointed by the Government. The Commission is responsible particularly for fixing basic wages and wage rates for all categories of



workers, etc. The task of the economic ministries is to implement the wage policy in the undertakings under their jurisdiction. The various bodies of the United Trade Union Organisation participate in the drafting, approval and implementation of all wage regulations, both at the level of the State Wage Commission and in each individual undertaking, in which wages committees are set up by the trade unions.

The report goes on to describe the procedure for the adoption of wage regulations.

Wages thus fixed are binding both on workers and on employers, and any agreement to the contrary is null and void. No exceptions for wages lower than the appointed rates are allowed.

The wage regulations are applicable to workers and officials in industry, transport, agriculture, the health service, education and public administration. The wage rates are published in the Official Gazette or are sent directly to the individual undertakings and the trade union organisations in those undertakings. In all cases the regulations stipulate that their provisions must be given sufficient publicity in each undertaking.

The report then sets forth the penalties applicable in the event of infringements of the wage regulations and states that, in accordance with the Convention, workers can always recover the amount of any wages which may be due to them. It adds that between 1949 and 1953 the average wages of industrial workers rose by 56 per cent.

#### *France.*

Decree No. 54-1003 of 9 October 1954 respecting the revalorisation of wages.

Decree No. 55-354 of 2 April 1955 to increase the hourly rate allowance and to reduce the rates fixed for the various wage zones.

Decree No. 54-1003 provides that, as from 11 October 1954, individual wages may not be less than the cumulated rate of the national minimum inter-occupational guaranteed wage fixed by the Decree of 8 September 1951 and a uniform hourly rate allowance of 21.50 francs in the first zone of the Paris district; this is subject to the zonal changes provided for in Decree No. 51-744 of 13 June 1951.

Decree No. 55-354 provides that, as from 4 April 1955, the uniform hourly rate allowance is to be increased to 26 francs and the maximum zonal rate reduced to 12 per cent., with proportionate reductions for the other zones. Thus, the minimum hourly wage rate may not be lower than 126 francs in the first zone of the Paris district, and 110.90 francs in the lowest-wage zone.

#### *Federal Republic of Germany.*

During the period under review home work committees, established under the Homework Act of 1951, have determined rates of remuneration for home work in a wide range of industries. The report gives the rates fixed and the approximate number of workers covered.

The Minimum Wages Act of 1952, in regard to which the Committee of Experts made certain observations in 1954, has not yet been applied.

#### *Hungary.*

In reply to the observations of the Committee of Experts, the Government states that under section 64 of the Labour Code the Council of Ministers fixes rates of wages. It points out that this is done on the basis of a joint proposal made by central administrations supervising the management of the different undertakings and proposals made by the Central Council of Trade Unions. The Government adds that in these circumstances there is no need to fix a minimum wage.

#### *Ireland.*

Copies of six Employment Regulation Orders issued during the year were appended to the Government's report. They establish minimum rates for workers according to age, sex, skill or branch of occupation, piece or time-rate basis, qualifications (apprentice or other), and area and place (home or factory) in which the worker is employed.

The Employment Regulation Order (Aerated Waters Joint Labour Committee), 1955, covers approximately 1,500 workers and establishes minimum rates equivalent to 119s. 5½d. for adult males and 70s. 6d. for adult females for a normal working week of 47 hours.

The Employment Regulation Order (Creameries Joint Labour Committee), 1954, covers approximately 2,500 workers and establishes, for a normal working week of 48 hours, minimum rates in central creameries ranging from 77s. 6d. for all adult female workers (other than buttermakers and cheesemakers and their assistants) to 128s. 6d. for maintenance mechanics or fitters, and a minimum rate in cream-separating stations of 88s. 6d. for all adult workers.

The Employment Regulation Order (Packing Joint Labour Committee), 1955, covers approximately 1,000 workers and establishes minimum rates equivalent to 111s. 10d. for adult males and 68s. 9d. for adult females, for a normal working week of 44 hours.

The Employment Regulation Order (Shirt-making Joint Labour Committee), 1955, covers approximately 2,000 workers and, for a normal working week of 44 hours, establishes in the shirt-making branch minimum rates equivalent to 143s. 0d. for special or measure cutters, 135s. 8d. for cutters, 112s. 9d. for adult males and 75s. 2d. for adult females; and in the tie-making branch 143s. 0d. for tie cutters, 106s. 4d. for adult males and 75s. 2d. for adult females.

The Employment Regulation Order (Handkerchief and Household Piece Goods Joint Labour Committee), 1955, covers approximately 360 workers and establishes a minimum rate equivalent to 69s. 8d. for adult females, for a normal working week of 44 hours.

The Employment Regulation Order (Women's Clothing and Millinery Joint Labour Committee), 1954, covers approximately 8,000 workers and, for a normal working week of 44 hours, establishes minimum rates equivalent to 137s. 6d. for adult male workers, 73s. 4d. for adult female workers employed in the factory branch, and, in the retail branch, 81s. 7d. for adult female workers in county boroughs and 75s. 2d. for those in other areas.

During the period under review 4,421 inspections were carried out, covering 7,635 male and 14,011 female workers; £2,236 2s. 2d. in arrears of wages was collected.

#### *Italy.*

The Government submits a table showing the minimum gross remuneration under collective agreements for manual workers in industry and commerce as at 30 April 1955. With respect to industry the table shows the minimum wages which will apply in different industries for skilled, semi-skilled and unskilled workers in each of the 13 geographic wage zones that were set up in Italy under the collective agreement of 12 June 1954. These data on gross remuneration include the cost-of-living allowance, which is determined according to conditions existing in two groups of provinces.

The latest figures available show that the number of workers covered by collective agreement is over 4 million in industry and 1½ million in commerce.

#### *Mexico.*

The report states that, according to information available, there are very few persons drawing minimum wage rates since the rates paid to most workers are above these minima.

#### *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.

#### *New Zealand.*

Industrial Conciliation and Arbitration Act, 1954 (L.S. 1954—N.Z.1).  
Minimum Wage Order, 1954.

Section 148(3) of the Industrial Conciliation and Arbitration Act, 1954, provides that "the award may prescribe a minimum rate of wages or other remuneration, and may make special provision for a lower rate being fixed in the case of any worker who is unable to earn the prescribed minimum: provided that any such lower rate shall in every case be fixed by such tribunal in such manner and subject to such provisions as are specified in that behalf in the award".

The Minimum Wage Order, 1954, prescribes new minimum rates of wages for male and female workers.

Statutory minimum rates applied to 192,480 factory workers as at 31 March 1955 and, it was estimated, to 74,200 workers in offices and shops in April 1955. Wages recovered on behalf of workers who had been paid less than the wages prescribed by Awards or Acts amounted to £1,304 for the year ending 31 March 1955.

#### *Nicaragua.*

Labour Code of 12 January 1945, sections 22, 23, 79, 251 and 326 to 333 (L.S. 1945—Nic. 1).

The wages boards have continued to function and during the period under review have fixed a minimum wage in certain cases. In the event of no minimum wage being fixed for a given region, the legislation provides that the pre-

vailing wage for the same type of work performed by a worker with the same qualifications and meeting the same requirements, less one-quarter, shall be deemed the minimum wage.

#### *Norway.*

The report states that during 1954 the Council for Home Industry was concerned with 411 employers and 3,606 employees, of whom 2,743 were employed in their homes and 863 in workshops. This is a slight decrease from 1953 in workers covered by the machinery of the Council for Home Industry.

#### *Switzerland.*

Six orders giving force of law to collective agreements in certain industries have been issued or extended; the text of these orders is appended to the report.

The industrial census referred to in the Government's previous report began on 25 August 1955.

#### *Union of South Africa.*

There has been an increase in the number of inspections made during the period under review compared with the period covered by the previous report. An amended list of the wage determinations in operation during the period under review is appended to the report.

#### *United Kingdom.*

During the year the Minister of Labour and National Service made an order abolishing the Rubber Reclamation Wages Council as from 4 April 1955. This decision was taken in the light of a claim submitted by the Rubber Reclamation National Joint Industrial Council that it now regulated the wages and conditions of the great majority of workers in the rubber reclamation trade, and that the Wages Council was no longer necessary.

On 24 June 1955 the Minister appointed a Commission of Inquiry to consider the question of the establishment of a Wages Council for the Rubber Proofed Garment Making Industry, on an application made jointly by the British Rainwear Manufacturers' Federation and the Waterproof Garment Workers' Trade Union.

The two matters on which the Committee of Experts requested further information in their last report are being examined, viz. the questions of revising the Catering Wages Act, 1943, and of reconstituting the Wages Board for workers in unlicensed residential establishments.

The report gives details as to the number of establishments (530,837) in various trades or parts of trades affected by the minimum wage fixing machinery. This figure comprises 382,805 establishments covered by wages councils and 135,549 by catering wages boards in Great Britain, and 12,483 by wages councils in Northern Ireland. Details are given regarding the minimum remuneration effective on 30 June 1955 for the lowest grades of adult workers employed on time work in those trades for which rates of statutory minimum remuneration are in force.

The estimated number of workers covered by the statutory wage fixing machinery (other than for agriculture) remains at about 3 million in Great Britain and is about 57,000 in Northern Ireland.

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 179. In Northern Ireland, the certification of learners remains on the same basis as in pre-war years and, during the period under review, 3,125 certificates were issued. 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 4,035 in Great Britain and 191 in Northern Ireland. The number of exemption permits (including renewals) issued during the year to disabled or infirm workers by wages boards and councils was 840 in Great Britain and five in Northern Ireland. The total number of workers holding such permits of exemption at 30 June 1955 was 2,332 in Great Britain and seven in Northern Ireland.

During the year 33,099 inspections were made under the Wages Councils Acts of 1945-48, the wages of 191,462 workers were examined, 11 prosecutions (four criminal and seven civil) were undertaken and £105,312 was collected in arrears of wages. Under the Catering Wages Act of 1943, 12,303 inspections were made; the wages of 66,010 workers were examined; three criminal prosecutions were undertaken and £41,760 was collected in arrears of wages. Under the Wages Councils Act (Northern Ireland) of 1945, 602 inspections were made; the wages of 15,904 workers were examined; one criminal prosecution was undertaken and the amount collected in arrears of wages was

£1,244. In Great Britain during the period under review seven decisions were given in courts of summary jurisdiction regarding statutory minimum remuneration. Two of these cases were dismissed but in the five remaining cases the employers were convicted and fined a total of £95 and were ordered to pay costs and arrears of remuneration. Action was also taken in civil courts on behalf of workers in seven cases. All these cases were successful and orders for the payment of arrears due were secured. In Northern Ireland one decision was given in a court of summary jurisdiction regarding statutory minimum remuneration. The employer was convicted and fined £4 and was ordered to pay costs and arrears of remuneration.

#### *Uruguay.*

Decree of 17 May 1955.

Decree of 24 August 1954.

Act No. 12157 of 22 October 1954.

The Decree of 17 May 1955 restricts the wage fixing powers of the wages boards, since it prohibits them from taking decisions with respect to minimum wages unless they have first classified the occupations and the corresponding categories.

The Decree of 24 August 1954 lays down rules for the payment of family allowances to salaried employees and wage earners whose wages or salaries in any month exceed the statutory maximum.

Act No. 12157 of 22 October 1954 extends to agricultural workers the provisions of Act No. 11618 of 20 October 1950 and Act No. 11970 of 1 July 1953 respecting family allowances.

The report from *Argentina* reproduces the information previously supplied.

## 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.

#### Canada.

Canadian Shipping Acts, section 473.

#### China.

Regulations for the marking of weight of packages transported by vessels.

The report indicates the sections of the Regulations which give effect to the various provisions of the Convention.

The maritime, customs and navigation authorities are entrusted with the supervision of the application of the regulations.

The Government includes in the report certain suggestions designed to facilitate and im-

prove the application of the Convention in the countries bound by it.

#### Federal Republic of Germany.

Following the observations made by the Committee of Experts the Government will re-examine, particularly from the technical standpoint, the exceptions existing in the Federal Republic, and will inform the Committee of its findings. These exceptions are contained in section 2 of the Act of 28 June 1933 respecting the marking of weight on heavy packages transported by vessels.

The report states that the Convention is applied in West Berlin.

#### Hungary.

In reply to the question raised by the Committee of Experts in 1954 the report states that the exemption provided for under section 2 of Act No. VII of 5 May 1937—by which the obligation to indicate the weight shall 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—can only be applied where the weight of the transported objects (e.g. tractors, threshing machines, combined reaping and threshing machines, and trucks) is generally known to specialised workers.

#### India.

Reference is made to the report for 1953-54, which stated that the administration of the Marking of Heavy Packages Act and Rules, 1951, had not been entrusted to any individual authority, but that the question of the amendment of this legislation with a view to appointing officers to enforce the legal provisions was under consideration.

In reply to the observation made by the Committee of Experts in 1955 the report states that these amendments have not yet been adopted and it is hoped that action will be completed soon.

#### Japan.

The report refers to the statement made by a Government representative to the Conference Committee in June 1955.

#### Mexico.

Customs Code of Mexico of 31 December 1951.

Section 127 of the Customs Code makes it compulsory to mark every object of a weight of 1,000 kilograms (1 metric ton) or more for consignment by ocean-going and mixed transport. The Government gives the definition of "mixed transport" (simultaneous ocean-going and coastwise traffic).

The report states that the enforcement of the legislation is entrusted to the customs authorities.

Copies of forms of registers for merchandise transported by sea are appended to the report.

#### *Netherlands.*

During 1954 the port inspection services examined 2,826 heavy packages transported by sea-going and river vessels; 2,327 of these packages originated in countries which have ratified the Convention and 499 in countries which have not ratified it. The weight was not marked on 952 packages, 460 of which came from ratifying countries.

The attention of the consignors was called to this matter and assurances were given that the legislative provisions would be taken into account in the future.

#### *Nicaragua.*

The Convention constitutes a law of the Republic. It is enforced in all the principal ports by resident inspectors who supervise the loading and unloading of vessels.

#### *Yugoslavia.*

Resolution of 24 June 1955 respecting the marking of the weight on heavy packages transported by vessels.

Paragraph 1 of the above-mentioned resolution requires the marking of the weight on all packages of 1,000 kilograms or more for transport by sea or inland waterway. Paragraph 2 specifies the size and character of the inscription, and paragraph 6 exempts granular or powdery substances from the provisions of the resolution, as well as packages in transit through Yugoslavia which do not require reconsignment in the country. Paragraph 3 lays down the circumstances in which the weight indicated may be an approximate one. Under paragraph 4 the obligation for having the weight marked falls upon the consignor or his representative.

The enforcement of the resolution is entrusted to the Labour Inspectorate and to the harbour authorities which must report contraventions to the labour inspectors.

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

*Argentina, Australia, Austria, Belgium, Burma, Chile, Czechoslovakia, Finland, France, Greece, Ireland, Italy, Luxembourg, Norway, Pakistan, Poland, Portugal, Sweden, Switzerland, Uruguay.*

## 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> Convention denounced as a result of the ratification of Convention No. 32.

#### *Nicaragua.*

The Labour Code contains a chapter on the protection of workers employed at sea and on

navigable waterways. The report states that the Convention has been fully applied during the period under review and that its application has been carefully supervised by the labour inspectors resident in the ports.

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 <sup>1</sup> . . . . .	11. 2.1932
Ecuador . . . . .	6. 7.1954
Egypt . . . . .	29.11.1955
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
Israel . . . . .	7. 6.1955
Italy <sup>1</sup> . . . . .	18. 6.1934
Japan . . . . .	21.11.1932
Liberia . . . . .	1. 5.1931
Mexico . . . . .	12. 5.1934
Netherlands <sup>1</sup> . . . . .	31. 3.1933
New Zealand <sup>1</sup> . . . . .	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.

#### *Chile.*

Section 147 of the Penal Code provides that "any person who illegally compels others to render personal services shall be liable to imprisonment for between 61 days and three years and to a fine of not less than 100 and not more than 1,000 pesos". This provision, which is in conformity with Article 25 of the Convention, adequately penalises the illegal exaction of forced or compulsory labour. No offence of this type has yet occurred in practice.

#### *Cuba (First Report).*

Constitution of 5 July 1940, articles 60 and 66.  
Social Defence Code, sections 88 to 90.  
Penalties Execution Act, sections 53, 67 and 68.

Forced or compulsory labour has never been exacted in any form. The law allows all manual or intellectual workers to choose their employers freely and to leave their jobs without becoming liable to penalties. Under article 60 of the Constitution the individual has an unalienable right to work.

There is no compulsory military service in Cuba, nor is any pressure brought to bear on citizens to carry out their civic obligations. Section 89 (A) of the Social Defence Code provides that convicts who are compelled to work shall never be obliged to work for private individuals or on public works for private undertakings under contract to the Government. The second paragraph of section 67 of the Penalties Execution Act provides that the board of management is to determine what work convicts shall do, account being taken of the report of the supervisor of such work, submitted in accordance with section 53 of the Act, and of the physical condition, aptitudes, social position and customary occupations of each individual convict. Section 88 (A) of the Social Defence Code specifies that "work is compulsory for all persons sentenced to imprisonment . . .".

The obligation to work can only be imposed as a penal sanction and must never benefit private individuals, companies or associations.

As regards the penal sanctions to which Article 25 of the Convention refers, although there has been no previous case of forced labour the Social Defence Code and the supplementary measures prohibit and impose penalties for compelling a person to work against his or her will.

Since forced or compulsory labour has never existed in the Republic of Cuba, the courts have given no decisions involving questions of principle on this matter.

#### *Greece.*

The report confirms that the system of industrial or handicraft employment for private individuals which existed before the Second World War is no longer applied. Consequently the necessary amendments will be made to the legislation.

#### *Liberia.*

*Article 10 of the Convention.* All road construction works and other public works are now entrusted to construction companies by contracts supervised by the Department of Public Works and Utilities, which is responsible for the maintenance of all public buildings and roads.

#### *Mexico.*

Constitution of Mexico, articles 4 and 5, and regulations to apply these articles.

Article 5 of the Constitution of Mexico lists the cases in which labour can be made compulsory: labour imposed as a penalty by the judicial authority, military service, jury ser-

vice, the performance of duties of municipal councillors and of offices to which appointment is made by popular election, the conducting of elections, the taking of censuses, and professional services of a social character.

Contracts for labour bind the worker to perform the services agreed upon only for the time fixed by law, which may not exceed one year to the prejudice of the worker. These contracts may in no case compel the worker to forgo his political rights nor involve the suppression or restriction of the exercise of these rights.

A breach of such a contract by the worker subjects him to a civil penalty only. In no case may physical compulsion be employed.

#### Nicaragua.

The law authorises the exaction of compulsory labour only when a disaster has occurred in an undertaking. This case, however, as well as that of compulsory military service, is covered by an exception in the Convention.

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

*Argentina, Australia, Ceylon, Denmark, Finland, Ireland, Italy, Japan, Norway, Netherlands, New Zealand, Sweden, Switzerland, United Kingdom, Yugoslavia.*

### 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. 6.1954
Mexico . . . . .	12. 5.1934
New Zealand . . . . .	29. 3.1938
Nicaragua . . . . .	12. 4.1934
Norway . . . . .	19. 6.1953
Spain . . . . .	29. 8.1932
Uruguay . . . . .	6. 6.1933

<sup>1</sup> Conditional ratification.

#### Argentina.

During the period under review 755 contraventions of the provisions ensuring the application of the Convention were reported in the provinces. The number of hours of overtime worked was 7,013. Permanent exemptions were granted in 76 cases. The number of temporary exceptions authorised in accordance with Article 7, paragraph 2 (d), of the Convention was 544.

#### Chile.

About 190,000 workers were covered by the legislation. During 1954, 4,577 inspections were carried out ; 927 infringements were reported.

#### Cuba.

Resolutions Nos. 71, 72, 87 and 94 of 1955 respecting hours of work.

*Article 10 of the Convention.* The Government's report states that the term "equivalent to 48 hours' wages" used in the Constitution not only applies the principle embodied in this Article but also ensures that all wages specify or include payment for four hours which are not worked. The general tendency in commerce and offices is to work 40 hours per week (between 35 and 40 hours in the months of June, July and August).

*Article 11.* With this system, the maximum length of the working day is more favourable than that laid down in the Convention. Inspection is facilitated by the Closing Time Act. All individual or collective contracts must indicate the hours of work and rest. Registers also contain an indication of working hours and the changes made thereto ; overtime is not permitted. Changes may be made in the working hours with the employees' consent, provided that work done outside the normal schedule is compensated and that the maximum of eight hours a day and 44 hours a week is not exceeded.

*Article 13.* The penalties to which offenders are liable are laid down in section 575 of the Social Defence Code ; they include one to 60 days' imprisonment, a fine of any one of 60 different degrees of severity, or both.

Inspections have not revealed any contraventions, which is understandable in view of the general tendency to work less than 44 hours a week. Section 17 of Decree No. 2513 of 1933 prevents employers and employees from agreeing together to infringe the regulations governing maximum hours of work, since it imposes on the workers the duty of refunding any wages they have drawn irregularly.

Statistics for the number of workers employed in commerce and offices will probably be available when the results of the census are published in the near future. No overtime is worked for the reasons given above.

Copies of Resolutions Nos. 71, 87 and 94, which are appended to the Government's report, contain clauses relating to a 40-hour week in certain types of commerce, as well as to hours of work in the summer.

#### Finland.

In 1954 the number of commercial establishments and offices covered by the legislation applying the Convention was 28,256, employing 111,902 workers ; three infringements were reported.

#### Israel.

See under Convention No. 1.

*Mexico.*

Regulations of 30 December 1953 respecting employees of credit institutions and auxiliary establishments.

The Regulations fix a working week of 42 hours, to be distributed over the week according to the needs of each establishment and with the approval of the National Banking Commission.

According to the 1950 census 1,345,353 workers are covered by the provisions of the Convention.

*New Zealand.*

Industrial Conciliation and Arbitration Act, 1954 (L.S. 1954—N.Z. 1).  
Labour Department Act, 1954.

The number of hours of overtime authorised in 1954 under the Shops and Offices Amendment Act, 1936, was 55,160. The number of persons covered by the legislation as at April 1955 was estimated at 74,200 (38,800 males and 35,400 females) in shops and 40,000 in offices. In December 1954, 74,205 workers were members of three unions.

During the year ended 31 March 1955, 19,900 inspections of shops and 1,806 inspections of offices were made; 553 infringements of the Shops and Offices Act, 1921-22, were reported, including those not relating to the regulation of hours of work. Investigations were made into 152 alleged infringements; 30 of these were proved to be without foundation. Prosecutions were instituted in eight cases; seven resulted in convictions, and the total fines, excluding costs, amounted to £10. The occupiers of 154 shops and offices were requested to comply with various requirements of the Act.

See also under Convention No. 1, first paragraph.

*Norway (First Report).*

Workers' Protection Act of 19 June 1936 (L.S. 1936—Nor. 1).

*Article 1 of the Convention.* The establishments mentioned in paragraph 1 of Article 1 of the Convention are covered by the provisions of the Workers' Protection Act. It has not been considered necessary to define a line to separate commercial establishments and offices from industrial establishments, since the same provisions with regard to hours of work are applicable to commerce, offices and industry.

Public administrative departments are excluded from the scope of the Act; however, public servants are covered by the Public Servants' Act of 1918. The following are also excluded from the scope of the Act: posts of management or supervision; positions in which the person concerned is employed in a confidential capacity; and work of commercial representatives, agents and travellers, in so far as they carry on their work outside the establishment.

*Article 2.* The meaning of the term "hours of work" in the Act corresponds to the definition adopted by the Convention.

*Article 3.* Section 17 of the Act limits hours of work to eight in the day and 48 in the week.

*Article 4.* Section 17, paragraph (1), of the Act provides that if the normal hours of work

on certain days are, as a rule, less than eight, they may be extended on the other days of the same week, but not by more than one hour.

*Article 5.* The Act does not contain any special provisions with regard to making up hours of work which have been lost.

*Article 6.* Paragraphs 3 and 4 of section 17 of the Act provide for the possibility of calculating the average hours of work over a period of six weeks and one year respectively. In 1954, exceptions were granted under section 17, paragraph 3, to the staff of the meteorological service on board two meteorological vessels, permitting an extension of the hours of work up to nine-and-a-half a day, but without exceeding the weekly limit of 48 hours over a six weeks' period. Requests for exceptions of this kind are seldom made by the establishments covered by the Convention.

*Article 7.* According to section 18 of the Act, the normal hours of work may be extended to not more than ten in the day for employees who do preparatory or supplementary work and for those whose work is intermittent. Also, the provisions in force allow customers to continue to be served beyond the normal hours of work, but not for more than half an hour.

Sections 19, paragraph (1), and 20 of the Act provide for the possibility of the temporary exceptions mentioned in paragraph 2 of Article 7 of the Convention.

Section 20 of the Act stipulates that overtime may not be worked for more than ten hours in the week and 30 hours in four consecutive weeks. The competent Ministry and, in certain cases, the State Labour Inspectorate, may authorise overtime for a longer period, subject to its not exceeding 390 hours in the course of a calendar year.

The Act provides for a wage supplement of not less than 25 per cent. for overtime.

*Article 8.* The regulations providing for the exceptions mentioned in Articles 6 and 7 of the Convention were drawn up after consultation with the workers' and employers' organisations. Furthermore, the workers, or their organisations, are given the opportunity of expressing their opinion with regard to these exceptions in every case before a decision is taken by the competent authorities.

*Article 10.* The provisions of the Act do not prejudice any collective agreements which provide more favourable conditions of work.

In practice, hours of work of office employees are, on an average, less than 48 a week.

Apart from the supplement for payment of overtime, the legislation does not deal with rates of remuneration, which are fixed by collective agreements.

*Article 11.* The supervision of the enforcement of the provisions with regard to hours of work is carried out by the State Labour Inspectorate, in accordance with section 41 of the Act.

The provisions respecting hours of work, rest periods, the exceptions which may be authorised and the rules of employment, must be posted up in the undertaking. Section 34 of the Act states that rules of employment must be drawn up in all industrial and commercial establishments



and offices employing more than ten workers. A copy of the rules of employment is issued to every worker concerned.

According to section 21 of the Act, wages lists must be kept in such a way that the amount of overtime worked by each individual employee can be seen.

*Article 12.* Penalties in the event of infringements of the provisions of the Act are laid down in section 51.

Supervision of the observance of the provisions of the Act is exercised by the State Labour Inspectorate, with the local employment committees in each commune and nine district inspectorates, under the control of a central office.

The inspection is carried out by visits, by drawing up general and special provisions, and by suggestions and instructions. If effect is not given to the instructions issued, the Inspectorate may order—under certain conditions—the total or partial closing of the establishment.

In 1954, 865 commercial establishments and offices, employing a total of 7,885 workers, were inspected. There are no statistics to show the number of workers covered by the Convention.

No establishment has been subject to legal proceedings for infringement of the provisions of the Act.

The following are appended to the report: copies of exceptions granted under Articles 6 and 7 of the Convention, and a copy of the rules of employment and instructions for drafting them, issued by the State Labour Inspectorate.

#### *Uruguay.*

The report states that three contraventions, with fines amounting to 60 pesos, were reported under Act No. 9347 of 13 April 1934 concerning the compulsory closing of certain commercial undertakings. Act No. 10489 to issue regulations concerning the hours of work in certain commercial undertakings gave rise to 596 contraventions, with fines amounting to 14,125 pesos. Finally, six contraventions with fines of 280 pesos were reported under Act No. 10322 to issue regulations concerning the closing hours and hours of work in women's hairdressing establishments.

The report from *Nicaragua* 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
France . . . . .	27. 5.1955
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.*

The information communicated by the Government with regard to this Convention is very detailed.

To implement those provisions of the Convention which are not explicitly restated in the General Regulations of 27 September 1947 for the protection of labour, the labour inspectorate has prepared three draft Orders to complete the Regulations in question. The provisions contained in these drafts relate to : Article 2, paragraph 2, subparagraph (2) ; Article 3, paragraphs 2 and 3 ; Article 5, paragraphs 2, 3, 4, 5 and 6 ; Article 6, paragraph 1 ; Article 7, paragraph 2 ; Article 8 ; Article 9, paragraph 2, subparagraphs (1), (2), (3), (4), (5), (6), (8) and (9) ; Article 10 ; Article 11, paragraphs 1, 3, 4, 5, 6, 7 and 8 ; Article 12 ; and Article 18.

Some of the provisions of the Convention with regard to testing and examining hoisting machinery and gear fixed on board ship are restated in the Royal Order of 11 July 1936. They are applicable to ships of over 150 gross register tons.

The report states that on the whole the provisions of the General Regulations for the protection of labour are satisfactorily observed.

Most of the infringements relate to Article 8 of the Convention (hatches) and Articles 9 and 11 (use of hoisting machinery).

#### *Canada.*

Regulations of 23 November 1954 ("The Tackle Regulations") for the protection against accident of workers employed in loading or unloading ships.

The report, which states that the national law is fully in harmony with the provisions of

the Convention, enumerates the various provisions of the above-mentioned Regulations which relate to each Article of the Convention.

During the period under review 3,435 inspections were carried out on ships. In 521 cases requests were made by inspectors for repairs, replacements or examination of gear. Thirty-five serious accidents were reported, one of which was fatal, but in very few cases were the accidents caused as a result of infringements of the Regulations.

Appended to the report are the text of the Regulations of 23 November 1954 and models of registers and certificates prescribed by the Minister of Transport for work in connection with the loading and unloading of ships.

#### *Chile.*

During the period under review 2,853 accidents were reported ; of these 2,816 were slight, 30 were serious and 7 were fatal.

#### *Finland.*

During the period under review further improvements have been made in the lighting of approaches and working places.

Special methods have been adopted with regard to the application of the provisions of Article 4 of the Convention.

The inspection of every hoisting machine mentioned in Article 9 must be carried out under conditions laid down in a letter of the Ministry of Social Affairs ; a copy of the letter is appended to the report. The report also contains in an appendix information with regard to the Finnish experts who are authorised to carry out the inspection or annealing of the parts of hoisting machines. Detailed instructions defining the duties of winch operators have been distributed. The certificates and other documents used when hoisting machines are examined are approved by the Minister.

Since the Convention was ratified an improvement in the conditions of work in harbours has been noticed ; Finnish shipping companies are paying increasing attention to the question of lighting, with due regard to the advice and instructions given by the Minister of Social Affairs.

Owing to the directives which have been given accessory gear has been renewed and new models have been introduced. Adequate inspection was made of the cranes used in the harbours ; since 28 September 1950 this has been a matter for the Institute for the Supervision of Electrical Equipment.

The number of accidents in 1953 during the loading and unloading of vessels was 1,381 ; the number of days of work lost was 40,553.

The labour inspectors made 587 inspection visits in the harbours and on board vessels. The number of workers covered was 12,853. The inspectors reported a number of cases to the Attorney-General with a view to prosecutions for flaws or defects which they had noticed. The report contains details with regard to several of these cases.

The Finnish Federation of the Metalworking Industry, in a letter addressed to the Ministry of Social Affairs on 21 October 1954 (a copy of which is appended to the report) raised the question of the current provisions with regard to the supervision and repair of hoisting machines on vessels, which they consider are open to criticism in regard to their construction and supervision; in addition, the ship-owners and stevedores pointed out that the provisions in question were ambiguous. The Federation proposed that the Council of Ministers should set up a committee of experts composed of representatives of all the persons concerned, and that the committee should be instructed to revise the provisions in question. The Federation considers that this matter should be dealt with at the national level in all the northern countries.

The Inspectorate for electrical material draws the attention of the Ministry of Social Affairs to the danger of the methods used in operating hoisting machines for loading and unloading vessels, and especially (1) the swinging of the loads by a lateral movement of the hoisting machine in order to lower them into a place which is beyond the reach of the machines, (2) the practice of letting the hoisting cable rub against the hatch, and (3) the lack of uniformity in the signals made by the persons responsible for supervising the hatches.

The Government also transmits a summary of the statements and suggestions made by the National Office for technical control and the Ministry of Social Affairs on the subject of the breaking of a derrick on a Finnish vessel.

### *India.*

Indian Dock Labourers Regulations, 1948.

The Indian Dock Labourers Regulations, 1948, were further amended recently by Notifications No. Fac. 38 (26) dated 23 December 1953 and 25 June 1954.

### *Italy.*

During the period 1 July 1954 to 30 June 1955, 2,947 accidents resulting in temporary incapacity, 86 in permanent disablement and four fatal cases were recorded.

### *New Zealand.*

Explosive and Dangerous Goods Act, 1908.  
Power Crane Rules, 1949.  
Boilers, Lifts and Cranes, 1950.  
Dangerous Goods Regulations, 1951.  
General Harbour Regulations, 1954 (Reprint).  
Shipping Lifesaving Appliances Rules, 1954.  
Shipping Fire Appliances Rules, 1954.

The report states that during the period under review the General Harbour (Safe Working Load) Regulations, 1935, and Amendment No. 1 were reprinted—necessitating revised references—while the General Harbour Regulations,

1935, and Amendments were consolidated and amended with the object of stating more explicitly the persons who must comply with the requirements of the regulations, and to require notice to be given to the Marine Department of any accident on or from any wharf, dock or slipway causing death or personal injury, whether or not the person killed or injured was employed on the wharf, dock or slipway.

*Article 2 of the Convention.* Regulations 55 and 78 of the General Harbour Regulations generally apply the provisions of this Article. With regard to the provisions of paragraph 2 (4) the report states that existing practice meets the position as far as is practicable.

*Article 3.* Regulations 45 and 128 of the General Harbour Regulations apply the provisions of this Article. With regard to paragraph 5 the only exemption extended to ships is in the case of cargo ships or hulks under 100 tons gross register.

*Article 4.* The provisions of this Article are applied by the Shipping and Seamen Act, 1952, the Shipping Lifesaving Appliance Rules, 1954, and the Shipping Fire Appliances Rules, 1954. Regulations 123 to 125 of Part IX of the General Harbour Regulations make provision for deck cargo on lighters to be carried only in such quantities and in such positions as may be permitted by a Surveyor of Ships; every lighter employed in loading or unloading cargo must carry the necessary life-saving appliances.

*Article 5.* The provisions of this Article are applied by Regulations 54, 70 and 128 of the General Harbour Regulations. These regulations make no provision for exemptions.

*Article 6.* Regulation 80 (1) of the General Harbour Regulations applies the provisions of this Article. The requirements of paragraph 1 of Regulation 80 are not enforced during meal times or other short interruptions of work.

*Article 7.* The requirements of this Article are covered by Regulations 55 and 47 of the General Harbour Regulations.

*Article 8.* The provisions of this Article are applied by Regulations 65 to 68 and 80 (2) of the General Harbour Regulations.

*Article 9.* The provisions of this Article are generally applied by the General Harbour Regulations and the General Harbour (Safe Working Load) Regulations. They do not cover paragraph 2, subparagraph (2) (b), of this Article, which provides for all hoisting machines, blocks, shackles, etc., to be thoroughly examined every 12 months.

*Article 10.* Regulation 75 of the General Harbour Regulations applies the provisions of this Article.

*Article 11.* The provisions of this Article are applied by Regulations 59, 76, 79, 82, 84, 85 and 86 of the General Harbour Regulations; Regulation 20 of the General Harbour (Safe Working Load) Regulations; and Rule 64 of the Marine Department's Power Crane Rules.

*Article 12.* The provisions of this Article are applied by Regulation 92 of the General Harbour

Regulations and Regulations 11, 36, 37 and 38 of the Dangerous Goods Regulations, 1951.

*Article 13.* The provisions of this Article are applied by Regulations 190 and 191 of the General Harbour Regulations and by the Harbour Board By-Laws.

*Article 14.* Regulations 126 and 127 of the General Harbour Regulations apply the provisions of this Article.

*Article 15.* An exemption is granted under Regulation 190 of the General Harbour Regulations (exemption for certain wharves and jetties from complying with the requirements of Regulations 190 and 191).

*Article 16.* The provisions of this Article are applied by Regulations 175 to 180 of the General Harbour Regulations.

On 31 December 1954 there were 6,459 water-side employees, stevedores and timekeepers who were members of industrial unions.

According to the annual report of the Marine Department (Parliamentary Paper 15), 2,410 accidents were reported under Regulation 103 of the General Harbour Regulations as against 2,192 for 1952. This increase is regarded as being due more to an increasing awareness of employers of their obligations to report all accidents than to an increase in accident-provoking causes.

Port Safety Advisory Committees were established in 1953 at Auckland, Wellington, Lyttelton and Dunedin; port safety education has been advanced by the extensions of the safety poster system to the ports of New Plymouth, Napier and Bluff. Progress is reported in the instruction of hatchmen, winchmen and other

cargo workers in the uniform system of signals instituted late in 1952 by the Marine Department; efforts are being made to achieve the adoption of this system by all concerned.

A series of newsletters on port safety was prepared by the Marine Department for the information of the Port Safety Committees and others concerned with their establishment.

*Sweden.*

Statistics with regard to accidents among workers when loading or unloading vessels are appended to the report.

*United Kingdom.*

*Great Britain.*

During the period under review 6,523 accidents, of which 32 were fatal, were reported at docks, wharves and quays. The causes of these accidents are analysed in a table appended to the report. Convictions were secured in eight cases in which employers were prosecuted.

*Northern Ireland.*

During the period under review 150 accidents one of which was fatal, were reported at docks, wharves and quays. The causes of these accidents are analysed in a table appended to the report. The certificates and registers used in Northern Ireland in pursuance of Article 18 (reciprocity) of the Convention are also appended to the report.

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

*Argentina, Mexico, Pakistan, Uruguay.*

### 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 <sup>1</sup> . . . . .	24. 2.1936
France . . . . .	29. 4.1939
Netherlands . . . . .	12. 7.1935
Spain . . . . .	22. 6.1934
Uruguay <sup>1</sup> . . . . .	6. 6.1933

<sup>1</sup> Convention denounced as a result of the ratification of Convention No. 60.

*Austria.*

The Government states that it has sent the Conference Committee a written reply to the observations made last year by the Committee of Experts. One contravention of the provisions concerning the employment of children was reported.

The Congress of Chambers of Labour has informed the Government that the Federal Act respecting the employment of children and

young persons ensures the satisfactory application of the Convention. It expressed the opinion, however, that a very strict criterion should be adopted for determining the occupations which could be considered to be "light work" in the sense of the Act above-mentioned and which consequently could not be assimilated to the work of children.

*Belgium.*

During the period under review 32 exceptions in respect of 204 children were granted under section 2, paragraph 2, of the Royal Decree of 27 April 1927 with respect to their employment in theatrical undertakings.

In the 276 entertainment undertakings visited by the inspection service there were 154 children under 14 years of age and 20 between the ages of 14 and 16. Two contraventions were noted in these undertakings.

*Cuba.*

The report states that Legislative Decree No. 883 of 1953 consolidates existing provi-

sions respecting the employment of young persons. Article 66 of the Constitution of Cuba also applies.

While the scope of the above-mentioned Legislative Decree is very wide, it does not provide for any exceptions which are not in conformity with the Convention.

Employers are required to keep special registers of young persons between 14 and 18 years of age.

*Netherlands.*

See under Convention No. 5 for information relating to inspection and contraventions.

*Uruguay.*

Uruguay has denounced this Convention.

The report from *France* reproduces the information previously supplied.

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## 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> Convention denounced as a result of the ratification of Convention No. 96.

#### *Chile.*

An expert of the I.L.O. is at present on mission in Chile for the purpose of developing the placing section of the General Labour Directorate in order to change it into a national employment service. It is to be feared, however, that owing to financial difficulties the Government will not be able immediately to make this service as comprehensive as desired. On the other hand, an investigation into the employment market is being carried out at the present moment in the different provinces. From the results obtained from this investigation it will be possible to determine the form which the national employment service should take.

#### *Czechoslovakia.*

Fee-charging employment agencies were abolished by section 8 of Government Ordinance No. 217 of 1936 respecting employment agencies. The validity of licences for the operation of such agencies came to an end on 31 December 1946, under section 11 of the ordinance. The report enumerates the laws and regulations under which placing and recruitment activities are carried out free of charge by the executive organs of the national committees.

#### *Mexico.*

The policy of the Mexican Government has been directed towards abolishing non-official employment agencies and, since the passing of the Social Security Act, private employment agencies cannot operate lawfully. Although such agencies do not operate in practice for the above reason, they are dealt with in the Employment Agencies Regulation of 6 March 1934, sec-

tion 56 of which states that placing facilities provided by private agencies shall be free of charge to workers. Therefore the workers can in no circumstances be charged registration or any other fees. Such agencies in their publicity must at all times make it clear that their services to the workers are free of charge.

The fees charged by private agencies to employers for obtaining workers for them must conform to the scales approved by the Directorate of Social Welfare.

Section 69 of the Employment Agencies Regulation of 1934 states that private agencies which fail to comply with the provisions in force shall, in addition to their being closed down, be fined a sum ranging from 50 to 500 pesos by the Directorate of Social Welfare of the Department of Labour and Social Welfare, according to the gravity of the offence and the profit derived by the licence holder from his action.

With regard to Articles 4, 5 and 6 of the Convention it is specifically stated in section 53 of the Employment Agencies Regulation that: "Private employment agencies may only operate in the Federal District and in the federal territories until such time as the Social Welfare Bill is passed."

In addition the Government supplies information regarding the provisions of the Social Security Act of 1942 regarding the problem of unemployment, etc.

Section 64 of Chapter VII of the Employment Agencies Regulation states that the supervision of employment agencies is the responsibility of the governments of territories and of the Directorate of Social Welfare through the appropriate labour inspectors. The latter are responsible for the strict enforcement of this regulation and of any additional instructions that may be issued by the Directorate.

Section 65 of the same chapter states that those responsible for employment agencies must supply the inspectors with details of the nature and progress of their activities and other information, and must produce their books and such other documents as may be required. The inspectors make detailed reports in every case; those which are transmitted to the employment agencies or to the Directorate of Social Welfare must be accompanied by sufficient evidence to establish administrative proof that such infringements are liable to a fine.

The report from *Argentina* reproduces the information previously supplied.

## 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

### Chile.

Act No. 11584 of 23 August 1954 to amend section 1 of Act No. 10475 respecting old-age pensions for private employees.

Decree No. 711 of 20 July 1954 to amend the regulations for the application of Act No. 10986.

In 1954 expenditure for disability, old-age and survivors' pensions and funeral benefits totalled 1,192.7 million pesos; the cost of administration was 484.6 million pesos. The number of pensions in force at the end of 1954 was as follows: disability pensions 11,938; old-age pensions 44,816; survivors' pensions 7,129. The resources devoted to the disability, old-age and survivors' scheme amounted to 3,576 million pesos, after deduction of 239 million pesos given to the Housing Corporation for the construction of workers' dwellings.

See also under Convention 24.

### France.

Act No. 55-21 of 5 January 1955 to amend some of the provisions of the Ordinance of 2 February 1945 and of the Act of 10 July 1952 respecting the scheme of old-age allowances in agriculture.

Decree No. 54-1049 of 23 October 1954 to amend section 31 of the Decree of 26 September 1952 determining the conditions of application of the Act of 10 July 1952 respecting the special allowance and the special fund.

Decree No. 54-1194 of 29 November 1954 to supplement the Decree of 16 January 1950 issued under the Act of 2 August 1949 to extend the grant of the old-age allowance to different categories.

For other legislation see under Convention No. 24.

*Article 2 of the Convention.* The Act of 28 May 1955 specifies the conditions under which directors of limited liability companies shall be compulsorily affiliated to the social security system.

*Article 7.* The Order of 8 April 1955 fixes the ratio for determining the co-efficients of revalorisation of old-age pensions. For the determination of the annual remuneration to be taken as a basis in calculating old-age and invalidity pensions that become payable after 31 March 1955, the Order fixes the co-efficients of increase applicable to the wages corresponding to the contributions paid. The report includes a detailed list of these co-efficients, which range from 53.80 for 1930 to 1 for 1954. The Order provides for the revision of old-age, retire-

ment, widowers' and widows' pensions awarded and becoming payable before 1 April 1955.

The report gives details with regard to the calculation of the new rates and with regard to the calculation of reversionary pensions and widowers' and widows' pensions which became payable after 31 March 1955.

The Order in question states that the application of the co-efficients may not result in old-age pensions being increased to a sum greater than 40 per cent. of the figure fixed as the limit for the determination of maximum contributions. When the award of an old-age pension takes effect after the age of 65 years, the amount of 40 per cent. is increased by 4 per cent. for each year of postponement of the pensions beyond that age.

*Article 11.* See under Convention No. 24, Article 9.

*Article 19.* The allowance to mothers of families may not be combined with and added to the old-age allowance, but the Decree of 29 November 1954 stipulates that a supplementary differential shall be granted in cases where the old-age allowance would be lower than the allowance to mothers of families.

A statistical statement is appended to the report. On 31 December 1954 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 on 31 December 1954 was 2,219,380. A statistical table shows the division of these beneficiaries according to the type of pension they received. Expenditure (in million of francs) between 1 July 1954 and 30 June 1955 was 191,859, made up as follows: pensions and allowances payable under the general scheme, 168,969; old-age allowances payable to persons not eligible for membership of the general scheme, 3,800; cash benefits (reimbursement of contributions, buying back of pension rights, travel and hospitalisation expenses, etc.), 4,875; benefits in kind (also entered in the expenses of the sickness insurance scheme), 8,716; administrative expenses, 5,499.

No special revenue is earmarked to cover any one risk; the contributions are allotted to cover the expenses of the different bodies, and not the cost of the different risks. The contributions paid under the general scheme amounted to 426,524 million francs during the period under review, a part of this amount being used to finance the old-age pensions scheme.

### Poland.

Decree of 25 June 1954 respecting universal pension security for workers and their families (L.S. 1954—Pol. 2).

Ordinance of the Council of Ministers of 17 July 1954, to enact special regulations for types of work classified as injurious to health.

The Decree of 25 June 1954 sets up a universal pension scheme for workers. The scheme applies

to all workers employed in virtue of a contract of service and to all workers in the public service engaged by appointment.

The report states that all other legislation respecting old-age, invalidity and survivors' insurance was repealed by the Decree of 25 June 1954. Some of the provisions of the special scheme for miners employed underground, contained in the "Miners' Charter" (decision of the Council of Ministers of 10 January 1951) are modified; special provisions are prescribed for workers in glass works (Order of the Ministry of Labour and Social Welfare of 15 January 1955).

The report enumerates the categories of persons who are assimilated to workers for the purpose of applying the new pension scheme.

The scheme is financed by contributions from the employers without any deductions from the workers' remuneration. The rate of contribution for inclusive social insurance is 15.5 per cent. of the basic remuneration.

The benefits are paid from State funds constituted by the employers' contributions without deduction from the workers' remuneration.

The right to benefit does not depend on the employers' contributions and may not be considered, according to the report, as a counterbalance to the contributions. The report points out that, in view of this feature of the insurance scheme, and of the old-age invalidity and survivors' benefits, the scheme does not admit (1) the voluntary continuation of insurance and the maintenance of rights by means of payment of a fee by the worker who has ceased to be employed before having acquired the right to benefit, that is to say, before having fulfilled the required conditions for entitlement to an old-age or invalidity pension; (2) the possibility of retaining the right to the benefits which constitute the counterbalance of the contributions paid to the personal account of the worker, if the worker has ceased to be employed before he had acquired the right to benefit.

The report adds that the rights to benefits are nevertheless maintained for a period of two years from the date when the worker ceases to be employed, in accordance with Article 6, paragraph 2 (b), of the Convention.

The grant of an old-age pension is conditional upon the completion of a qualifying period and upon the age of the insured person. The qualifying period is 25 years' employment (20 years for women workers). The age of entitlement to the pension is 60 years for men and 55 years for women in the first category of employment, and 65 years for men and 60 years for women in the second category of employment.

Workers in the first category of employment are those employed below ground or in unhealthy conditions. All other workers belong to the second category. The Ordinance of the Council of Ministers of 17 July 1954 enumerates the types of work which are considered to belong to the first category.

The report gives information on the calculation of the qualifying period in cases where the worker changes from one category to the other.

The rate of an old-age pension is fixed for the workers in the first category at 60 per cent. and for the workers in the second category at

40 per cent. of the remuneration received during the last 12 months of employment, but the remuneration taken into account does not exceed 1,200 zlotys per month.

A miner who has been employed underground for 25 years may claim an old-age pension at 55 years of age. The report includes details with regard to the calculation of miners' pensions. The amount of the old-age pension varies from 320 to 975 zlotys per month, according to the monthly remuneration.

Workers who have been employed in the manufacture of glass for not less than 20 years are entitled to an old-age pension at 60 years of age. The rate of the old-age pensions for the two categories mentioned above is 60 per cent. of the average remuneration received during the 12 months preceding the entitlement to pension, with the proviso that it may not exceed the maximum basic remuneration of 1,620 zlotys.

An invalidity pension is paid to a person suffering from incapacity for work for causes other than an industrial accident or occupational disease if the person in question has reached a certain age limit and has fulfilled a qualifying period, the duration of which varies between one and five years according to whether the person in question is not less than 18 years of age or is over 30 years of age.

A person is considered to be an invalid if he is incapable of working and may be assigned to one of the three following groups: I: persons unfit for work of any kind and needing the constant care of another person; II: persons unfit for work of any kind but not needing the constant care of another person; III: persons unfit for regular work in their occupation under the normal conditions prevailing in that occupation, but fit for occasional or part-time work or work in another occupation requiring substantially lower qualifications.

The invalidity group is determined by special medical boards.

The rate of the invalidity pension depends on the invalidity group to which the worker is assigned and the type of work on which he is employed. As has been stated above, there are two categories of employment. The amount of the pension in the first invalidity group and the first category of employment is 70 per cent. of the basic remuneration, and for the third invalidity group and the second category of employment 30 per cent. of the basic remuneration. The basic remuneration may not exceed 1,200 zlotys per month. The invalidity pension which invalids of the first group may claim admits of a minimum of 300 zlotys per month.

A special invalidity pension for miners is paid to miners whose incapacity for work is due to a cause other than an accident or an occupational disease; its rate depends on the length of the employment underground and is calculated on the basis of the average remuneration received during the 36 months which preceded the incapacity for work.

Members of the family of a deceased worker are entitled to a family pension if the death was due to (a) an industrial accident or occupational disease; (b) any other cause, if at the time of death the insured person fulfilled the conditions for obtaining an invalidity or old-age pension and, in particular, the qualifying



period, or was in receipt of an old-age or invalidity pension.

The report gives a list of persons who are considered to be survivors under the new legislation.

The insurance scheme has remained unchanged in its general provisions with regard to the death of miners. The survivors of miners who were employed underground and who were entitled to a special old-age or invalidity pension or who were in receipt of such a pension at the time of their death are entitled to a survivor's pension calculated in accordance with the Miners' Charter. These pensions take the place of the benefits provided by the conditions for payment of pensions under the general pensions scheme.

Persons in receipt of old-age or invalidity pensions under the general scheme are entitled to family allowances for the persons for whom they are responsible and who are enumerated by the legislation.

The report gives detailed information with regard to the conditions for the grant of pensions to miners who are not eligible for a special pension.

Persons in receipt of an old-age or invalidity pension are entitled to free medical care in the event of confinement or sickness under the same conditions as the active workers. The members of the family of the pensioner and the persons in receipt of a family pension are entitled to medical care under the same conditions as the members of the family of an active worker.

Persons in receipt of an invalidity pension may be granted—either at their request or automatically—free treatment for the purpose of curing their invalidity or preventing it from becoming worse.

A funeral grant is payable on the death of a person in receipt of an old-age or invalidity pension, or of the persons dependent on the beneficiary who are enumerated by the legislation.

The report also gives details with regard to the termination of the right to the pension, concurrent rights to two or more forms of benefit, and the suspension of payment of benefits.

Up to 28 February 1955 the Central Social Insurance Institution at Warsaw and its local organs were responsible for the administration of the benefits under old-age, invalidity and survivors' insurance. This Institution has now ceased to exist, and as from 1 March 1955 its functions were transferred to the Ministry of Labour and Social Welfare. The local government offices carry out the duties of administration of pensions insurance.

All the members of the national councils (administering the pensions insurance scheme), and also all the members of the presidiums of these councils, are elected. The report states that by means of the election of the members of the national councils the workers share in the work of these councils and their presidiums and enjoy to the full the right of controlling

their activity in regard to payment of benefits within the limits of the provisions in force.

The insured persons and the bodies which pay the benefits may appeal against the decisions of the medical boards (for invalidity) to the departmental board, whose decision is final. They may also appeal against the decisions of the services which pay benefits (organs of the local councils), in regard to entitlement to pensions and pension supplements, to the regional social insurance courts which were set up in the past. An appeal is also possible against the decisions of the regional courts to the Supreme Social Insurance Court, whose decision is final.

Foreign workers are entitled by virtue of their paid employment in Poland to all the benefits provided by Polish social legislation under the same conditions as Polish nationals.

### *United Kingdom.*

#### *Great Britain.*

Various Regulations and Orders, issued in 1954 and 1955, relating to increase of benefit, contributions, reciprocal agreements, and non-contributory old-age pensions.

See also under Convention No. 24.

#### *Northern Ireland.*

Various Regulations and Orders, issued in 1955, relating to increase of benefit, contributions, reciprocal agreements, and non-contributory pensions.

See also under Convention No. 24.

The standard rate of retirement pension for insured persons over the minimum pensionable age (65 for a man and 60 for a woman) has been increased from 32s. 6d. to 40s. per week. The rate payable to an uninsured married woman on her husband's insurance has likewise been increased from 21s. 6d. to 25s. The amount by which pensions of certain hospital in-patients undergoing free treatment are reduced has been altered.

It is estimated that about 21,300,000 persons in the United Kingdom were contributing toward national insurance retirement pensions at 30 June 1953. In Great Britain about 4.4 million persons were in receipt of a retirement or contributory old-age pension at 30 June 1954, while expenditure on retirement pensions exclusive of administrative costs was about £334 million during the year ended 31 March 1954. The number of non-contributory old-age pensions in payment in Great Britain at 1 January 1955 was 313,000, while expenditure for such pensions for the year ended 31 March 1955 was £18.76 million.

In Northern Ireland about 540,000 persons were contributing toward national insurance retirement pensions at 30 June 1953. The number of persons receiving retirement or contributory pensions on 30 June 1954 was about 81,300, while 22,184 non-contributory pensions were in payment in 1 January 1955.

The report from *Czechoslovakia* reproduces the information previously supplied.

## 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

*Chile.*

See under Convention No. 35.

*France.*

Act No. 54-892 of 2 September 1954 respecting the revalorisation of compensation payable under workmen's compensation laws (section 20).

Act No. 55-21 of 5 January 1955 (section 1, (II) to amend some of the provisions of Ordinance No. 45-170 of 2 February 1945 relating to the allowance paid to aged wage earners).

Inter-ministerial Order of 3 September 1954 for the revalorisation of the old-age and invalidity pensions awarded under the agricultural social insurance scheme.

*Article 19 of the Convention.* The Order of 3 September 1954 provides for a 10 per cent. increase in the old-age pensions awarded under the agricultural social insurance scheme, with

the exception of those already raised to the minimum rate.

The number of compulsorily insured persons who contributed during the year was estimated at 1,296,000; the number of pensions and allowances being paid on 31 December 1954 was 173,300; the total amount of pensions paid by the Central Agricultural Mutual Assistance Fund was 12,433 million francs; the amount of the benefits paid by the agricultural mutual social insurance funds was 647.9 million francs. Reimbursement of contributions in 1954 totalled 2.3 million francs. The revenue of the Central Agricultural Mutual Assistance Fund was estimated at 5,449.5 million francs from employers' contributions and 3,746.5 million from insured persons' contributions. In addition, in 1954 the Treasury made a loan of 2,500 million francs to the Central Agricultural Mutual Assistance Fund to ensure payment by the Fund of the old-age and invalidity pensions.

*Poland.*

See under Convention No. 35.

*United Kingdom.*

See under Convention No. 35.

The report from *Czechoslovakia* reproduces the information previously supplied.

## 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

*Chile.*

See under Convention No. 35.

*France.*

For legislation see under Convention No. 24.

The Decree of 20 May 1955 has effected a comprehensive reform of sickness insurance, and changes have therefore had to be made in the invalidity insurance scheme: they include, *inter alia*, the suppression of the concept of "first medical proof", of the grant of medical care for an indefinite period and of the payment of

daily benefit for a maximum period of three years.

*Article 2 of the Convention.* See under Convention No. 24, Article 2.

*Article 4.* The different dates at which the state of invalidity may be assessed, which serve as the starting point for the payment of the pension, are modified owing to the changes introduced into the sickness insurance scheme by the Decree of 20 May 1955 and to the suppression of long-term sickness insurance.

*Article 5.* The Decree of 20 May 1955 amended the conditions for entitlement to invalidity insurance. In order to benefit by this form of insurance, the insured person must have been registered as insured for not less than 12 months and must be able to prove either that he was employed for not less than 480 hours during the 12 months—120 hours of which must have been during the three months preceding his absence from work, the accident or the establishment of his state of invalidity—or that he was involuntarily unemployed for a similar period.

*Article 7.* See, under Convention No. 35, the reference to the Order of 8 April 1955, which applies equally to invalidity insurance.

Moreover, the Order in question raises to 214,000 francs a year, as from 1 April 1955, the increase granted to disabled insured persons who are unfit for work of any kind and need the constant aid of another person to carry out the ordinary acts of life.

*Article 12.* See under Convention No. 24, Article 9.

At 31 December 1954 the total number of persons insured under the general scheme for non-agricultural occupations was estimated at 8,400,000; the number of pensions being paid increased from 258,096 on 30 June 1954 to

265,946 on 30 June 1955; the total expenditure from 1 July 1954 to 30 June 1955 amounted to 19,419 million francs for pensions and 14,953 million for benefits in kind.

*Poland.*

See under Convention No. 35.

*United Kingdom.*

Sickness benefit can be paid in certain circumstances in Jersey (in relation to Great Britain), Luxembourg and the Netherlands by virtue of reciprocal agreements with these countries.

See also under Convention No. 24.

The report from *Czechoslovakia* reproduces the information previously supplied.

### 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

*Chile.*

See under Convention No. 35.

*France.*

For legislation see under Convention No. 36.

The number of compulsorily insured persons who paid contributions during the period under review was estimated at 1,296,000 and the number of pensions being paid at 31 December

1954 was 20,826. The total amount paid out in pensions by the Central Agricultural Mutual Assistance Fund was 1,702.6 million francs, and the amount of benefits awarded to pensioners by the agricultural mutual social insurance funds totalled 1,080.9 million francs. The revenue of the Central Agricultural Mutual Assistance Fund was estimated at 739 million francs from employers' contributions and 508 million from insured persons' contributions. In addition, in 1954 the Treasury made a loan of 2,500 million francs to the Central Agricultural Mutual Assistance Fund to ensure payment by the Fund of old-age and invalidity pensions.

*Poland.*

See under Convention No. 35.

*United Kingdom.*

See under Convention No. 37.

The report from *Czechoslovakia* reproduces the information previously supplied.

### 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

*Poland.*

See under Convention No. 35.

*United Kingdom.*

For new legislation see under Convention No. 24.

The weekly rate of the widow's allowance for the first 13 weeks of widowhood has been increased to 55s.; the addition for a first or only dependent child is now 11s. 6d. and that for each child after the first is 3s. 6d. The widowed mother's allowance, including the addition for the first child, has been raised to 51s. 6d. per week, plus 3s. 6d. for each additional child. The ordinary widow's pension has been increased to 40s., and the guardian's allowance to 18s. per week. Contribution rates of insured persons and employers and state supplements were also increased, to maintain the higher rates of benefit provided.

At the end of 1954 about 447,000 women in the United Kingdom were receiving widow's benefit, exclusive of 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 nearly 15,000 children. During the year 1954 expenditure on widows' benefits and guardians' allowances (exclusive of administrative costs) in Great Britain was about £305 million.

In Northern Ireland it is estimated that at 31 December 1954 about 7,013 women were in

receipt of a widow's allowance; 3,373 of the widows receiving benefit were also receiving a widowed mother's allowance. In addition guardians' allowances and orphans' pensions were in payment for 436 children. During the year ended 31 March 1954, the expenditure was about £836,000 on widows' benefit and about £15,000 on guardians' allowances.

The report from *Czechoslovakia* reproduces the information previously supplied.

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

*Poland.*

See under Convention No. 35.

*United Kingdom.*

See under Convention No. 39.

The report from *Czechoslovakia* reproduces the information previously supplied.

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 . . . . .	8. 6.1936
Burma <sup>2</sup> . . . . .	22.11.1935
Ceylon. . . . .	2. 9.1950
Egypt . . . . .	11. 7.1947
France <sup>1</sup> . . . . .	25. 1.1938
Greece . . . . .	30. 5.1936
Hungary . . . . .	18.12.1936
India <sup>1</sup> . . . . .	22.11.1935
Iraq . . . . .	28. 3.1938
Ireland <sup>1</sup> . . . . .	15. 3.1937
Netherlands <sup>1</sup> . . . . .	9.12.1935
New Zealand <sup>1</sup> . . . . .	29. 3.1938
Pakistan <sup>1 3</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>4</sup> . . . . .	25. 1.1937
Venezuela . . . . .	20.11.1944

<sup>1</sup> Convention denounced as a result of the ratification of Convention No. 89.

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

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

<sup>4</sup> Has denounced this Convention.

*Afghanistan.*

See under Convention No. 4.

*Argentina.*

See under Convention No. 4.

*Brazil.*

During the period under review 21 infringements of sections 379 to 381 of the Consolidation

of Labour Laws were reported in the Federated States and Territories.

*Greece.*

Act No. 3239 of 25 May 1955 to amend Legislative Decree No. 2511 of 11 August 1953.

As regards Articles 3 and 4 of the Convention, the report for 1953-54 stated that section 3 (paragraph 3) of Legislative Decree No. 2511 of 11 August 1953 provides that, in special cases, the Ministry of Labour may authorise exceptions to the legislative provisions respecting the employment of women at night. The Government added that this provision had been applied in very rare cases only, in particular in connection with certain textile industries during exceptionally heavy periods of work. However, the Government stated that it was anxious to comply fully with its obligations as regards the Convention.

During the period 1953-54 some decisions were given by courts of law as regards the provisions of the Convention.

The report for 1954-55 states that paragraph 3 of section 3 of the above-mentioned Legislative Decree has been amended by Act No. 3239 of 25 May 1955, section 42, paragraph 4, of which provides that the Minister of Labour, after consulting the occupational organisations concerned, may authorise the suspension of the prohibition of night work when in case of serious emergency the national interest demands this. The Government adds that the discrepancy between the national legislation and the Conven-

tion, to which attention has been drawn, has been removed and that the Convention is applied satisfactorily.

The labour inspection staff, assisted by the police, check the staff lists of undertakings, and do not allow the employment of women at night after 10 p.m.

#### *Hungary.*

Owing to the fact that there is a serious shortage of manpower in various sectors of the national economy the Government is not in a position to prohibit completely the night work of women. Nevertheless, it has taken steps to ensure that the health of women is in no way prejudiced by their employment at night.

The report adds that the competent authorities are examining the possibility of ensuring the full application of the Convention.

According to available statistics, out of the total number of women workers approximately 10 per cent. are employed on night work. This number represents little more than 2 per cent. of all persons employed at night.

#### *Iraq.*

The report states that the provisions of the Convention relating to exceptions to the prohibition of the night work of women in cases of *force majeure* will be applied as soon as the necessary amendments are made to the Labour Act.

#### *Netherlands.*

During 1954 proceedings were instituted in eight cases against employers who had employed women on night work between 10 p.m. and 5 a.m. The contraventions in question related to 24 women employed in various occupations listed in the report. The fines imposed varied between 25 and 560 florins.

#### *Peru.*

See under Convention No. 4.

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

*Burma, Ceylon, Egypt.*

## 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
Federal Republic of Germany . . . . .	17. 6.1955
Greece . . . . .	13. 6.1952
Haiti . . . . .	19. 4.1955
Hungary . . . . .	17. 6.1935
Iraq . . . . .	25. 7.1941
Ireland . . . . .	15. 3.1937
Italy . . . . .	22.10.1952
Japan . . . . .	6. 6.1936
Mexico . . . . .	20. 5.1937
Netherlands . . . . .	1. 9.1939
New Zealand . . . . .	29. 3.1938
Norway . . . . .	21. 5.1935
Poland . . . . .	29. 9.1948
Sweden . . . . .	24. 2.1937
Turkey . . . . .	27.12.1946
Union of South Africa . . . . .	26. 2.1952
United Kingdom . . . . .	29. 4.1936
Uruguay . . . . .	18. 3.1954

#### *Austria.*

For new legislation and statistical data see under Convention No. 17.

#### *Belgium.*

Royal Order of 29 October 1954 to amend section 2 of the Royal Order of 25 April 1951 and respecting the required conditions for the grant of compensation for silicosis.

In reply to the question raised in 1955 by the Committee of Experts the report states that an Order will shortly be enacted which will add poisonings by halogen derivatives of the aliphatic series to the list of occupational diseases giving the right to compensation.

#### *Cuba.*

Resolutions of the Minister of Labour Nos. 171 of 15 November 1954 and 66 of 21 April 1955.

The above Resolutions deal with the organisation of medical services in the manganese mines, conditions of employment for workers in these mines, and arrangements on their behalf in the event of manganic poisoning.

During the period under review one case of silicosis was reported.

#### *Czechoslovakia.*

The number of occupational diseases for which compensation is payable to the same extent as for industrial accidents is estimated at 800.

#### *Denmark.*

See under Convention No. 18.

#### *Finland.*

Ordinance of 17 December 1954 concerning compensation payable in respect of certain pathological conditions classified as occupational diseases.

This Ordinance extends the schedule of diseases deemed to be occupational diseases.

#### *France.*

Act No. 54-892 of 2 September 1954 and Order of 8 April 1955 respecting the revalorisation of compensation payable under workmen's compensation laws.

Orders of 28 July 1954 and 12 November 1954 to appoint titular or substitute members of the boards of three medical practitioners set up under Decree No. 53-1141 of 23 November 1953.

Under section 26 of the Act of 2 September 1954 workers suffering from one of the diseases listed in the occupational silicosis table have the right, if their condition was first confirmed before 1 January 1947—even though they themselves did not fulfil the requirements set by the legislation current at that time—to receive an allowance from the supplementary pension fund, if it is established that they fulfil the conditions required for cases in which the initial confirmation of the disease was made after 31 December 1946.

This measure will allow a certain number of persons to be compensated who have not hitherto been able to obtain benefits under the existing legislation.

The staffing of the boards by virtue of the Orders of 28 July 1954 and 12 November 1954 gives full effect to the provisions of the Decree of 18 October 1952 and enables persons who are recognised as suffering from one of the complications of silicosis mentioned in these texts to receive benefits for treatment and temporary disability payments for absences from work arising out of such complications.

The report makes mention of observations submitted by a workers' organisation in connection with the report for the period 1 July 1953 to 30 June 1954. These observations relate to the delay in staffing the boards instituted by the Decree of 18 October 1952 respecting compensation for silicosis; they also draw attention to the hardships that this delay has caused, notably in connection with the payment of temporary disability benefits to persons suffering from silicosis with tubercular or cardiac complications.

During 1954 the social security bodies of the general scheme registered 6,657 cases of occupational disease.

#### *Greece.*

Decisions Nos. 51502/2-54 and 50235/54 of the Minister of Labour to amend the sickness regulations of the Social Insurance Institution.

In reply to the observations made by the Committee of Experts the Government states that a new schedule of occupational diseases, in conformity with that of the Convention, will be established before the 39th Session of the International Labour Conference.

The report also states that the Social Insurance Institution covers 90 per cent. of the working population, with the exception of agricultural workers, for whom the Government has recently taken legislative action that will bring them under the sickness insurance scheme.

#### *Hungary.*

In reply to the observations made by the Committee of Experts last year, the Government states that Decree No. 195-51 of the Council of Ministers prescribes that an occupation involving regular work in contact with infected animals or infected articles shall be recognised as an occupation giving rise to anthrax infection. For persons who are only employed on these

occupations intermittently the infection may give rise to compensation as an employment injury if the relation of cause and effect between the work and the infection is proved. With regard to the handling of contaminated merchandise the report adds that there must have been a misunderstanding due to the translation, as the original Hungarian text used the term "merchandise".

#### *Iraq.*

Three cases of occupational diseases were notified during the year and the sum of ID.879/600 was paid out.

#### *Ireland.*

For new legislation see under Convention No. 12.

Detailed statistical data shows that during 1953 an amount of £9,031 was paid in respect of 75 cases of occupational diseases, among which were 70 cases of dermatitis produced by dust or liquids.

#### *Japan.*

See under Convention No. 18.

#### *Mexico.*

Appendix 3 to the industrial hygiene regulations requires compulsory quarterly medical examinations to be given to workers exposed to certain toxic substances, including phosphorus and its compounds.

#### *Netherlands.*

In 1953 there were 1,214 cases of occupational disease which entailed an expenditure of 9,268,585 florins.

#### *New Zealand.*

For new legislation see under Convention No. 17.

The year 1954 was the first full year during which general practitioners have been required to notify the Department of Health of diseases causing the incapacity of a worker and contracted in the course of his occupation. These notifications are of great assistance to the authorities, as the information given leads to effective preventive measures.

Out of 506 cases of occupational diseases, 330 were of skin diseases and 111 of damage to eyesight.

#### *Poland.*

Decree of 25 June 1954 respecting universal pension security for workers and their families (L.S. 1954-Pol. 2).

Ordinance of 17 July 1954 to issue the list of occupational diseases.

The report gives details with regard to the scope of the new Decree and the conditions for the payment of benefits due for industrial accidents, together with the rates of benefit and methods of payment; these apply also to occupational diseases (see also under Convention No. 17). An occupational disease is defined as a disease which arises from the exercise of a definite occupational employment and is caused by the nature of this employment or

occupation or by the conditions under which the work is carried out.

In the event of invalidity or death resulting from an industrial accident or occupational disease, the grant of benefit is not subject to any waiting period.

The Ordinance of 17 July 1954, which repeals the Ordinance of 29 September 1937, contains the list of diseases which are considered to be occupational and the list of occupations in which these diseases may arise.

Sweden.

For new legislation (Act No. 243 of 14 May 1954 and Royal Notification No. 644 of 29 October 1954) see under Convention No. 17.

During the year 1952 the reported cases of occupational diseases amounted to 3,720, of which 2,970 were entitled to compensation. During the period under review 1,982 cases were reported.

Turkey.

In 1954 there were 202 cases of occupational disease, 19 cases of disablement, and 186 fatal cases. The expenditure entailed amounted to 1,147,229 Turkish pounds.

United Kingdom.

Great Britain.

National Insurance Act, 1954.  
National Insurance (Industrial Injuries) (Prescribed Diseases) Amendments (No. 2) Regulations—Statutory Instrument No. 1442 of 1954.  
Industrial Diseases (Miscellaneous) Benefit Scheme—Statutory Instrument No. 1443 of 1954.  
Pneumoconiosis and Byssinosis Benefit (Amendment) Scheme—Statutory Instrument No. 1444 of 1954.

Certain types of injury benefits and contributions were increased by the Act of 1954.

Statutory Instrument No. 1442 ensures payment of benefits for pneumoconiosis when compensation is not payable under the Workmen's Compensation Acts.

The Industrial Diseases (Miscellaneous) Benefit Scheme Statutory Instrument, 1954, provides allowances for total or partial permanent disablement or death or certain forms of occupational disease, cancer (including "mule spinners' cancer") and certain conditions resulting from excessive exposure to X-ray and radioactive substances which, because of their delayed onset, give rise to cases in which compensation is withheld for a certain time.

The Pneumoconiosis and Byssinosis Benefit (Amendment) Scheme, 1954, extends the Pneumoconiosis and Byssinosis Benefit Scheme, 1952, which applied to cases of total disablement and death, to men partially disabled by pneumoconiosis and byssinosis who are not covered by the Workmen's Compensation Act or the Industrial Injuries Act.

The report contains detailed statistical data showing the number of spells of certified incapacity arising from development of prescribed diseases, the number of disablement allowances awarded during the year and the amount paid out in benefits in respect of both accidents and prescribed diseases in 1954.

Northern Ireland.

National Insurance Act (Northern Ireland), 1955.

This Act increases certain types of injury benefits and the contributions of insured persons.

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

Brazil, Norway, Union of South Africa.

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

Czechoslovakia.

The Government states that there can be no question of introducing a 42-hour week, in view

of the manpower shortage and the country's rapid economic expansion.

France.

See under Convention No. 49.

Ireland.

Compensation for additional hours worked in virtue of Article 3 of the Convention is paid at the rate of time-and-a-half.

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

Belgium, 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

#### Czechoslovakia.

The report states that there is no unemployment in Czechoslovakia. Article 26 of the Constitution states that all citizens are guaranteed the right to work. The latter benefit fully from the economic and social system of the country. Further, because of the vast expansion in the fields of industry and agriculture, in which there are constantly vacancies, there is a shortage of manpower. Consequently, the competent public authorities are preoccupied with securing the required number of workers for all the main sectors of the national economy. Workers recruited in this connection enjoy considerable advantages, such as cash benefits, priority for housing accommodation, privileges as regards wages, and more generous paid holidays.

In view of the foregoing, the adoption of regulations for the granting of unemployment allowances is unnecessary in Czechoslovakia. However, provision is made to grant an allowance to persons for whom the executive bodies of the national committees have been unable to provide suitable employment. This allowance is paid until such time as the persons concerned are placed in employment. It cannot be regarded as unemployment benefit within the meaning of the Convention, as there are no reasons which justify regulations on this basis. The regulations which exist merely provide for the payment of an allowance to persons for whom the State cannot provide work which is in keeping with their capabilities, when application is made for the allowance. This measure is applied in practice to persons whose working capacity undergoes a change, and is paid for the period which elapses until the executive bodies of the national committees place them in employment—due account being taken of the state of their health—or until steps are taken to ensure their rehabilitation and to provide them with the necessary tools.

Although unemployment has been eliminated as a social problem, under the legal system there can be no waiting period of unemployment between two periods of employment, as the agreement of the executive bodies of the national committees is required before the employment can be terminated.

#### France.

Decree No. 55-442 of 23 April 1955 to raise unemployment benefit rates with effect from 4 April 1955.

Daily unemployment benefit rates were increased to amounts ranging from 270 to 345 francs in the case of the breadwinner and from 120 to 150 francs in the case of a spouse or dependant.

With regard to Article 10 of the Convention one workers' organisation (the French Confederation of Christian Workers) has pointed out that, in disqualifying claimants, French legislation leaves a great deal of discretion to the officials concerned who alone have the right to judge the reason given by the worker for refusing a job. In this connection the report refers to the Decree of 12 March 1951 which states (a) that the vacancy offered must require either the skill claimed by the recipient of benefit or some other trade appropriate to his previous skill and aptitudes; and (b) that such employment must be paid at the wage rate fixed for the occupation or district in question.

The Government states that it is impossible to compile a list of the other grounds on which an unemployed person may refuse a job, and adds that the officials concerned must necessarily be given some discretion. In the event of a dispute the case is taken to a joint advisory board which sits under the chairmanship of the Prefect. If the aggrieved party is not satisfied he can then appeal to the Minister of Labour through the normal channels or he can submit the dispute for settlement by administrative tribunal. Since the setting up of tribunals a short time ago the administrative procedure has become simpler and more speedy.

With regard to Article 14 one workers' organisation (the French Confederation of Christian Workers) has pointed out to the French Government that disputes affecting unemployed persons in France are not dealt with by special tribunals, as the joint board which is consulted in the event of disputes can only make recommendations.

The Government recalls that the parties concerned may appeal to the Minister of Labour through the usual channels and they can, if necessary, take the case to the administrative tribunal. The Government does in fact receive a number of appeals all of which are examined with the utmost care. The administrative tribunals are also called upon to deal with a number of disputes. It would not therefore appear to be advisable to contemplate the setting up of special courts.

During 1954 expenditure for total unemployment was as follows (millions of francs): State contributions 5,701.6; contributions by the communes 541.8. Expenditure for partial unemployment (millions of francs) was 577.7 and subsidies to communes carrying out works for



assisting unemployed persons was 190.9. The total benefits paid to unemployed persons amounted to 7,012 million francs.

#### *Ireland.*

Social Welfare (Unemployment Benefit) (Additional Condition) Regulations, 1954.

Social Welfare (Unemployment Benefit and Miscellaneous Provisions) (Transitional) (Amendment) (No. 2) Regulations, 1954.

Social Welfare (Unemployment Benefit and Miscellaneous Provisions) (Transitional) (Amendment) Regulations, 1955.

The above-mentioned Regulations prescribe an additional condition for the receipt of unemployment benefit in the case of female persons who are not existing contributors and extend the period of waiving of the contribution condition for receipt of unemployment benefit, which requires that at least 50 employment contributions be paid or credited in respect of the contribution year preceding the benefit year of claim.

Approximately £2,389,000 was paid out of the Social Insurance Fund in respect of unemployment benefit in the financial year 1954-55.

#### *New Zealand.*

Social Security Amendment Act, 1954.

The Social Security Amendment Act of 1954 increases the amounts payable in the form of unemployment benefits by an amount of £26 per year, to bring them up to £175 10s. 0d. a year from 15 September 1953.

The maximum weekly unemployment allowances are now as follows: £2 5s. 0d. to applicants of 16 and under 20 years of age, without dependants; £3 7s. 6d. to all other applicants; £3 7s. 6d. in respect of the applicant's wife.

During the year ended 31 March 1955, 93 unemployment allowances were granted, and 57 applications refused; the total expenditure on unemployment allowances amounted to £5,660 and £6,575 in previous years.

The report also gives details regarding reductions from the maximum unemployment allowance on account of income and assets.

#### *Switzerland.*

On 1 January 1953 the number of persons insured against unemployment was 626,726, as against 613,461 in 1954.

The Government has forwarded the report of the Federal Council dealing with work of the Department of Public Economy during 1954. This report gives a general review of the enactments and regulations applying the Convention. The Government has also supplied four issues of the bulletin *Droit du travail et assurance-chômage*, which reproduce the decisions of principle given by the appeal authorities; these decisions constitute precedents.

#### *United Kingdom.*

##### *Great Britain.*

National Insurance Act, 1954 and 1955.

Various Regulations and Orders, issued in 1954 and

1955, relating, *inter alia*, to increase of benefit, unemployment benefit, contributions, reciprocal agreements, and national assistance.

##### *Northern Ireland.*

National Insurance Act (Northern Ireland), 1955.  
National Insurance (No. 2) Act (Northern Ireland), 1955.

Various Regulations and Orders, issued in 1955, relating to increase of benefit, unemployment benefit, reciprocal agreements, and national assistance.

The standard weekly rate of unemployment benefit was increased from 32s. 6d. to 40s. as from 19 May 1955, while the rate for a wife or other adult dependant was raised from 21s. 6d. to 25s. Rates of benefit for married women and youths, and increments for dependent children, were also increased. Contribution rates under national insurance were increased as from 6 June 1955. Amounts payable under the national assistance scheme were increased as from 7 February 1955.

Circumstances in which benefit is withheld when unemployed workers place unreasonable restrictions on work they will accept were defined in regulations, which also raised to 6s. 8d. per day the amount which may be earned in subsidiary occupations without loss of benefit. Provisions previously disqualifying persons not normally employed on more than two days in a week have been revoked.

An agreement with the Netherlands came into force on 1 June 1955. Under this agreement a national of either country going from one country to the other and becoming insured there may have taken into account the contributions paid in the former country. When such a national ordinarily resides in one country, and becomes unemployed in the other while subject to its insurance, he may, if he then returns to his country of normal residence, receive benefit at once under that country's scheme, account being taken of his insurance in the other country.

By virtue of the convention between the Governments of the United Kingdom and of Northern Ireland, Belgium, France, Luxembourg and the Netherlands, to extend and co-ordinate social insurance security schemes in their application to nationals of parties to the Brussels Treaty, the provisions of the above-mentioned agreement also apply to French and Luxembourg nationals who move between the United Kingdom and the Netherlands.

On 13 June 1955 the number of persons registered as unemployed in the United Kingdom was 242,920. Unemployment benefits paid out during the year ended 30 June 1955 amounted to approximately £17.2 million.

On 30 June 1955 the number of persons in Great Britain receiving national assistance who were required to register for employment was 56,201, of whom 16,252 were receiving assistance to supplement unemployment benefit. The corresponding figures for Northern Ireland were 9,768 and 3,783.

Copies of the reports of the National Assistance Boards are appended to the Government's 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.

### Afghanistan.

The Government states that a section prohibiting the employment of women in underground work in mines will be included in the proposed amendments to the Labour Act. It adds that the mining industry in Afghanistan has not yet been extensively developed and women cannot be employed in mines.

The Labour Department is the authority responsible for application of the provisions of the Convention.

### Australia (First Report).

#### Commonwealth.

##### Australian Capital Territory.

Coal Mines Regulation Act, 1902-1910, and the Mines Inspection Act 1901-1904 of the State of New South Wales, in their application to the Australian Capital Territory.

#### Northern Territory.

Mines Regulation Ordinance, 1939-1952.

#### States.

##### New South Wales.

Coal Mines Regulation Act, 1912-1947; Mines Inspection Act, 1901-1945.

##### Victoria.

Coal Mines Regulation Act, 1928; Mines Act, 1928.

##### Queensland.

Coal Mining Acts, 1925 to 1952; Mines Regulation Acts, 1910 to 1945.

##### South Australia.

Mines and Works Inspection Act, 1920-1935.

##### Western Australia.

Coal Mines Regulation Act, 1946-1951; Mines Regulation Act, 1946.

##### Tasmania.

Mines and Works Regulation Act, 1915.

*Article 2 of the Convention.* Women have never been employed underground in mines in Australia and the specific regulation prohibiting their employment has been in existence for very many years. The various Australian laws prohibit the employment of women in or about any mine (Australian Capital Territory, New South Wales, Victoria) or underground in any mine (Northern Territory, Queensland, South Australia, Western Australia) or for hire in any capacity in or about a mine except in clerical employment (Tasmania), the prohibition concerning employment in underground work in coal mines being regulated under separate instruments in three states and the Australian Capital Territory.

*Article 3.* Except in Tasmania, the Australian laws do not provide for the exemptions authorised under this Article. In Tasmania, where women may be employed on clerical work in or about a mine, in practice they do not, even occasionally, enter the underground parts of a mine.

In the Australian Capital Territory underground mining does not exist; the legislation is the responsibility of the Department of the Interior and the necessity for any inspection service has not arisen. In the Northern Territory the relevant legislation is administered by the Mines Branch of the Administration; in each of the six states, it is administered by the Mines Department. In all these jurisdictions inspectors of collieries or inspectors of mines have been appointed to exercise continuous supervision over the application of the relevant legislation.

Czechoslovakia.

Act of 19 December 1918 respecting the eight-hour working day (L.S. 1919-Cz.I.).

Section 11, paragraph 2, of the Act provides that only male workers may be employed in mines, including surface works. An investigation concluded in 1953 showed that no women were employed in mines of any kind.

As regards labour inspection see under Convention No. 89.

Hungary.

In reply to the observations made by the Committee of Experts the Government states that owing to the great shortage of labour the employment of women on underground work in mines has not as yet been totally prohibited, although efficient measures have been adopted so that underground work shall not cause any harmful effect on their health. The competent authorities are at present examining the possibilities of fully applying the Convention.

According to available data, 2.5 per cent. of the workers in coal mines, bauxite mines and ore mines are women employed on underground

work in transport and in the maintenance of machines.

India.

Inspections of mines were carried out, during the period under review, at all hours of the day and night, with a view to detecting cases of infringement. Between 1 July 1953 and 30 June 1954 eight prosecutions (six in Bihar and two in Andhra) were instituted; a conviction was obtained in one case in Bihar.

Mexico.

The Government states that women can under no circumstances enter the underground workings of any mine, even for the purposes of practical instruction.

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, Greece, Ireland, Italy, Netherlands, New Zealand, Pakistan, Peru, Portugal, Sweden, Switzerland, Turkey, Union of South Africa, United Kingdom.

47. Forty-Hour Week Convention, 1935

*This Convention is not yet in force*

Country	Date of registration of ratification
New Zealand . . . . .	29. 3.1938

New Zealand (Voluntary Report).

Industrial Conciliation and Arbitration Act, 1954 (L.S. 1954-N.Z.1).  
Labour Department Act of 1 October 1954.

The number of hours of overtime authorised by labour inspectors in respect of factories, shops and offices during the year ended 31 December 1954 was : factories, 808,817 ; shops and offices, 55,160.

See also under Convention No. 1, first paragraph.

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

Czechoslovakia.

The Government supplies the additional information requested by the Committee of Experts, and in particular makes the following statements :

(a) Taking into account the opinion of the Committee of Experts that the application of

the Convention is not conditional upon the conclusion of bilateral agreements, and also taking account of national legislation concerning the domestic effect of international treaties on the subject of social insurance (Act No. 100 of 17 June 1932), the provisions of the Convention will be applied in Czechoslovakia with regard to all States bound by the Convention, irrespective of whether those States have or have not concluded a bilateral agreement with Czechoslovakia.

(b) Czechoslovakia pays pensions to its own nationals and to foreign nationals residing within the territory of any of the countries bound by the Convention. However, the lack of any financial arrangements renders it impossible to effect payment of pensions to insured persons residing in Italy; consequently the amounts of the said pensions are kept on deposit in Czechoslovakia.

(c) The Government has taken note of the opinion expressed by the Committee of Experts with regard to the application of Article 10 paragraph 2, of the Convention.

(d) With regard to the application of Article 10, paragraph 3, of the Convention, the Government is of the opinion that it is not possible to interpret this stipulation literally in that the period for reservations expired on 10 August 1943, i.e. five years after the registration of the ratification of the second member State and after the Convention had acquired international effect for the first two States. Such a construction would introduce into international law a set of entirely unusual regulations under which the possibility of making reservations would be linked to a period the beginning and the end of which would not be in any way connected with the term of validity of the Convention for the State wishing to make the reservations. Moreover, the Government holds that such a construction would entail very serious consequences for the reciprocal Convention itself, as it would violate the principle of reciprocity between States adhering to the Convention, by giving one group of States the right and opportunity to make reservations with regard to an important matter, whereas other States which might have every reason to take advantage of a reservation would be deprived of the said right and opportunity.

The Government requests the Committee to consider afresh the construction to be placed upon the relevant provision in the Convention and to be good enough to state the purpose of that provision, the States which have availed themselves of that reservation and to what extent; Czechoslovakia will meanwhile pay reduced pensions pursuant to the general regulations in the National Insurance Act to persons residing in countries with which it has not concluded special agreements.

(e) With regard to the observation by the Committee of Experts on the payment of pensions to Czechoslovak nationals resident abroad, the Government states that pensions payable abroad in accordance with the stipulations of the National Insurance Act are paid in the same way both to Czechoslovak nationals and to foreign nationals.

(f) Furthermore, the Government states that the provisions of Convention No. 48 will be applied equally to Czechoslovak nationals and foreign nationals.

(g) On the subject of pensions to persons deported from Czechoslovakia, the Government states that the relevant provision of the National Insurance Act is inapplicable in practice; however, should such a case occur, this provision, by virtue of the Convention, would not be applicable to nationals of a State which had ratified the Convention.

(h) Article 14, paragraph 3, of the treaty between Czechoslovakia and Poland has been amended to conform with Article 4 of Convention No. 48. This was done in an additional protocol to the treaty which was signed by the two contracting parties at Warsaw in September 1955.

Czechoslovakia is now paying 3,485 pensions to insured persons residing abroad: 3,394 in

Poland, 64 in Yugoslavia, 20 in Italy, 5 in the Netherlands and 2 in Hungary.

In accordance with the foregoing (see point (b) above), pensions are not remitted in cash to the beneficiaries in Italy.

#### *Hungary.*

The competent Hungarian authorities express the opinion that it does not clearly follow from the Convention by which system the countries bound by the Convention have to furnish the social security benefits. The most important omission in the Convention is that it does not provide for any system or principle concerning the regulation between States of benefits paid after an insurance period has been completed in another country bound by the Convention. The Convention includes provisions which cannot be realised in practice unless there exist bilateral agreements concluded between the countries concerned. This aspect of the Convention makes it indispensable that it be modified or at least that principles concerning the conclusion of bilateral agreements which make possible the establishment of a unified system be defined. This system should be built up on the basis of agreements between the contracting countries and these agreements should be established on identical principles. The Government is therefore in agreement with the establishment of the commission provided for by Article 20 of the Convention.

#### *Netherlands.*

Act of 12 February 1955 to amend the Invalidity Insurance Act.

Royal Decrees of 6 July and 23 December 1954, and 4 and 21 June 1955.

In connection with the observations made by the Committee of Experts concerning the application of Article 10 of the Convention, the Government states that the Bill proposing to delete section 168 of the Invalidity Insurance Act will be submitted to the States General as soon as the detailed consultations with the executive bodies are terminated. However, Article 10 of the Convention is among the group of provisions of international Conventions which, by virtue of article 65 of the Netherlands Constitution, automatically supersede national legislation. Accordingly, section 168 of the Invalidity Insurance Act is no longer in force for nationals of member States which have ratified the Convention and is therefore not applied in their case.

The Act of 12 February 1955 raises the upper earnings limit for liability to insurance from 5,300 to 6,000 florins and the limit for entry into insurance from 3,000 to 3,600 florins.

On 1 July 1954 the following pensions were being paid: to one invalid residing in Hungary; to 29 invalids, 13 widows, four orphans and one old-age pensioner residing in Poland. Three of these pensions have since ceased to be paid.

During the period covered by the report one old-age pension was granted to a person living in Hungary and nine pensions were granted to persons living in Poland (five invalidity pensions, two widows' pensions and two old-age pensions).

The total number of pensions now being paid is therefore 55 (two in Hungary and 53 in Poland).

Poland.

See under Convention No. 35.  
The report states that, with regard to the relations between Poland and Czechoslovakia, the grant of old-age, invalidity and death benefits in relation to totalised periods of employment (of insurance) and the maintenance of rights acquired are governed by the former bilateral agreement of 5 April 1948, the provisions of which apply also to the nationals of other countries.  
With regard to the relations between Poland and Hungary, Yugoslavia, Italy and Spain, the

application of Convention No. 48 is inoperative, seeing that there is no exchange of workers between Poland and these countries. The report adds, however, that the application of the Convention to the relations between Poland and the Netherlands is of more actual significance. Lastly, the report states that no administrative arrangement for the application of the Convention has been concluded between Poland and the above-mentioned countries.

Yugoslavia.

At 30 June 1955, personal and survivors' pensions were being paid to 120 persons living abroad, of whom 81 were living in countries bound by the Convention (24 in Italy, two in the Netherlands and 55 in Czechoslovakia).

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

Czechoslovakia.

See under Convention No. 43.

France.

In reply to the comments made by the Committee of Experts in 1955, the Government states that the principle of paying compensation for additional hours worked to make good the absence of another worker is embodied in section 5 of the national collective agreement dated 23 July 1954. The parties to the agreement, however, expressed the wish that the amount of compensation, which is not uniform, should be standardised within each undertaking.

Ireland.

See under Convention No. 43.

Mexico.

Regulations of the Federal Labour Inspectorate.

Section 47 of the Regulations of the Federal Labour Inspectorate lays down the obligation that the workers' claims must be taken into account even where the matter is within the competence of the local authorities, while efforts are being made to secure agreement between the parties concerned. Where it is found impossible to negotiate a settlement in matters within the powers of the local authorities, the workers' representatives must be informed which authorities have statutory power to settle the dispute. The original of the minutes dealing with the question must be forwarded to the appropriate authorities and a copy must be sent to the inspectorate.

New Zealand.

Industrial Conciliation and Arbitration Act, 1954 (L.S. 1954—N.Z. 1).

The above-mentioned Act consolidates and replaces the Industrial Conciliation and Arbitration Act, 1925, and its amendments.

The report from Norway reproduces the information previously supplied.

## 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

#### *Brazil.*

During the period under review there were 311 prosecutions for failure to comply with the terms of Chapter IV, Title II, of the Consolidation of Labour Laws.

#### *Cuba.*

National Constitution of 5 July 1940 (article 67) (L.S. 1940—Cuba 1).  
Act No. 40 of 22 March 1935 (sections I, VIII and XI) (L.S. 1935—Cuba 4).  
Decree No. 1435 of 28 March 1953 (sections 1, 10 and 14).  
Civil Service Act.  
Social Protection Code (section 575).

The first paragraph of Article 67 of the Constitution reads as follows: "The right of all manual and intellectual workers to one month's holiday with pay for every eleven months of work in every calendar year is established.

Those who, on account of the type of work or other circumstances, may not have worked the eleven months, shall have the right to a holiday with pay for a period proportional to the time worked."

In addition, Act No. 40 of 1935, as amended by the above constitutional provision, remains in force.

*Article 1 of the Convention.* Holidays with pay apply to all manual and intellectual workers without any exceptions. Accordingly there is no necessity to establish any dividing lines, in view of the fact that entitlement to paid leave extends even to agricultural workers. Public employees are governed by the Civil Service Act, which entitles them to more favourable leave provisions than those provided for in the Convention. Since the coming into force of article 67 of the Constitution family undertakings and establishments are no longer exempted.

*Article 2.* One month's holiday is granted for every eleven months of work. Section 10 of Decree No. 1435 authorises the division of the holiday into two periods of fifteen days.

*Article 3.* Section I of Act No. 40 and section 1 of Decree No. 1435 provide for the payment of the average remuneration corresponding to the duration of the holiday. The worker is entitled to opt for full payment in cash of the equivalent of remuneration in the form of board and lodging.

*Article 4.* Section XI of Act No. 40 prohibits the relinquishment of the right to an annual holiday with pay.

*Article 5.* Section VIII of the Act and section 15 of the Regulations provide that persons accepting paid employment during their period

of leave will forfeit their right to holidays with pay.

*Article 6.* Persons dismissed for reasons imputable to the employer must be reinstated in their jobs and be paid the remuneration they have lost, together with the monetary equivalent of the leave accruing, i.e. a supplement equivalent to 9.09 per cent. of wages. They also retain their right to receive any accrued leave they have not taken.

*Article 7.* It is compulsory for employers to enter in the statutory registers the date of entry into service of each person employed by them, their wages and the manner in which leave may be taken. It is, moreover, obligatory to include these points in individual employment contracts or collective labour agreements.

*Article 8.* Infringements of the legislation are punishable in accordance with section 575 of the Social Protection Code.

The Ministry of Labour, its provincial offices and the magistrates of summary jurisdiction are responsible respectively for inspection and the imposition of penalties. Inspectors carry out periodical visits to workplaces to verify whether holidays with pay have been granted at the proper time and in the proper manner. In some cases—which, however, are not very frequent—they take action at the request of the parties concerned. When an offence has come to light particulars are given in a report to the magistrate of summary jurisdiction so that he may impose the penalty; the granting of the leave or holiday is then made compulsory.

The General Directorate of the National Labour Inspection Service does not divide its inspections according to individual Acts, and therefore it is impossible to submit statistics on paid holidays. It may be stated that the whole of the working population enjoys the benefits of the legislation now in force.

#### *Czechoslovakia.*

Legal measures No. 9 of 1955 respecting recreational holidays with pay in 1955 (repeats without change the rules for 1954 laid down in Act No. 3 of 1954). Circular No. 65 of 1955 of the Ministry of Education respecting the holidays of teachers and teaching staff in 1955.

Notification of the State Planning Bureau and of the Central Council of Trade Unions, to extend into 1955 the validity of—

- (a) the Notification respecting the retention of seniority acquired in previous jobs in case of transfer to another major sector of production; and
- (b) the Notification respecting the calculation and payment of remuneration during the holiday period.

The report contains the following replies to the observations made by the Committee of Experts.

*Article 1 of the Convention.* The Holidays Act applies to all categories of workers, including public servants. Industrial undertakings in which only members of the employer's family are employed are not taken into account in Czechoslovakia.

*Article 2, paragraph 3.* The statutory duration of the average holiday in Czechoslovakia is 17½ days. The period of leave is not reduced

even if owing to sickness, for example, it has not been possible for any work to be done in the prescribed 99 days. The length of the holiday is reduced by one-twelfth only for each period of 25 days beyond this limit. Otherwise, no deduction from the leave due is made on account of an interruption of work owing to sickness or a public holiday.

Paragraph 4. In principle the holiday is to be taken all at once. It is only at the employee's request that it may be divided into several parts, but as a general rule these parts may not be shorter than one week each.

Paragraph 5. The length of the annual holiday for teachers and teaching staff is fixed at eight, six or three calendar weeks. When workers are transferred for serious reasons to another place or change their occupations to take a more important job they are granted other advantages (there is no qualifying period). Prior length of service is taken into account when the length of the holiday exceeds the basic maximum laid down in the general provisions.

*Article 3.* When the amount of the remuneration varies there are more detailed rules for arriving at an average. The worker is entitled to the same cash remuneration for the full period of the holiday as he would receive at work. He is also entitled to remuneration in kind in so far as he can in fact take advantage of it. When he cannot take advantage of this remuneration he is entitled to a cash allowance representing the value of meals and benefits in kind (excluding accommodation, light and heating).

*Articles 7 and 8.* The employer keeps records in which he enters the exact length of service and the length of the holiday. Leave charts are drawn up and the dates at which holidays begin and end are noted. The amount paid for the holiday period is given on the pay slip.

As regards penalties section 75 of Act No. 88 of 1950 (Administrative Penal Code) imposes a fine of 20,000 crowns, or three months' detention, on any person who does not grant the statutory recreational holiday with pay.

As a general rule workers are given their holidays to enable them to rest and they must not be compelled to do any work.

The provisions relating to holidays are generally properly applied. Apart from the economic bodies it is the trade union organisation which supervises the application of these measures and takes remedial action in cases of infringement.

#### *Denmark.*

Regulations of 10 March 1955 issued by the Ministry of Social Affairs.

The above-mentioned Regulations deal with holiday remuneration for persons employed in the hotel and restaurant trade who are paid in the form of tips.

There have been a number of lawsuits arising from differing views of the scope of the Holidays with Pay Act.

#### *Finland.*

In reply to the observation made by the Committee of Experts in 1955 the Government

repeats the information already communicated to the Conference and which reads as follows: "The committee which was mentioned in previous reports submitted its proposals to the Council of Ministers in 1954. The proposals are being prepared in the Ministry for Social Affairs, and the Government Bill on this subject will probably be tabled in the House in the course of this year. The observations made in respect of the application of the Convention will be taken into consideration in connection with this Bill."

#### Greece.

Circular No. 20448 of 1954 of the Ministry of Labour respecting holidays with pay for workers paid on a percentage basis.

Royal Decree of 6 October 1954 respecting the suspension of the granting of holidays to bakers during 1954.

Circular No. 21600 respecting the leave to be granted to employees who are under notice and are seeking employment.

A decision taken by the Athens Court of First Instance provides that all persons enjoying holidays in virtue of Act No. 539 of 5 September 1945 are entitled to their ordinary wages with the exception of additional pay for work on Sundays and on public holidays. Nevertheless, pay for overtime legally and habitually carried out is included in the sum to be paid.

Use has been made of section 5, paragraph 3, of Act No. 539 only with regard to bakers. The reasons for this exception are as indicated in the previous report.

#### Israel.

In reply to the first observation made by the Committee of Experts the report states that an amendment deleting section 35 (a) (2) of the Holidays Act has already been drafted and submitted to the Government for approval before submission to Parliament.

As regards the second observation it is stated that since the meaning of "casual workers" has been well established by judicial decisions it is not considered necessary to do this again by regulations.

As regards the third observation, regulations under section 26 of the Act have already been drafted and approved by the Labour Inspectorate, and will be published after consultation with the General Federation of Labour and the Manufacturers' Association.

The enforcement of the Holidays Act did not meet with any special difficulties. The main exception is to be found in small undertakings, where workers sometimes continue to work without taking the annual leave and only upon dismissal complain to the Labour Inspectorate. The latter in such cases takes action for enforcing payment of redeemed holidays pay under section 13 of the Act.

The holiday funds continued to develop during the year under review and have published in the press their audited balance sheet from which it appears that not all the workers collect from the funds the sums due to them.

During the calendar year 1954, 285 warning letters were sent by the labour inspectors to employers contravening the law. Cases in which the warning letters did not have the

desired effects were brought before the courts. The accused were found guilty in all cases but one, fines were imposed and the payment of holiday money to the workers concerned was ordered.

#### Italy.

Act No. 25 of 19 January 1955 to lay down rules respecting apprenticeship (L.S. 1955—It. 1).

In reply to the observation made by the Committee of Experts in 1955 the report supplies the following information, already given to the Conference Committee in 1955.

(a) The workers employed in the undertakings and establishments listed in Article 1, paragraph 1, of the Convention are covered by collective labour agreements.

(b) In the absence of a law on industrial organisations to implement article 39 of the Constitution of the Italian Republic as regards the validity *erga omnes* of collective labour agreements, the latter, legally speaking, are binding only on the members of the associations which enter into them. The *de facto* situation is very different, in that collective labour agreements are observed and are applied in general. When the Act on industrial organisations is passed this discrepancy will be entirely eliminated.

(c) All the collective agreements include clauses laying down the duration of holidays and also stipulating the terms for persons under 16 years of age. In the case of the latter it should be remembered that Act No. 25 of 19 January 1955, which lays down rules respecting apprenticeship, specifies in section 14 that for apprentices of not more than 16 years of age the period of annual leave must not be less than 30 days.

With reference to official and customary holidays occurring during the leave period, not all collective agreements leave such holidays out of account in the calculation of annual holidays. It should, however, be mentioned that, as shown in the Government's annual report, the minimum holiday period is in practice fixed at a minimum of 12 days (and only in exceptional circumstances ten days); this period does not include a number of official holidays higher than the difference between the 12 days laid down in the collective agreements and the six days provided for in the international Convention. In substance, the minimum under the Convention is observed in every case. This amounts in practice to a different method of calculating the length of holidays and one which cannot be regarded as contrary to the provisions of the Convention.

All the other clauses (progressive increase of holidays, payment of accrued leave in proportion to length of employment in the case of dismissal during the year) are covered in the collective labour agreements.

As regards the non-inclusion of periods of sickness in the calculation of annual holidays, it may be stated that the principle is recognised and carried into effect in the commercial and banking sectors, while in the industrial sector it is applied only for certain occupations; however, in the latter field the principle is recognised



indirectly inasmuch as the prescribed number of days of leave covers the worker's average absence due to sickness.

The obligation to record in a register the date of entry into service of employees is laid down in section 12 of Regulation No. 200 of 25 January 1937, which provides that the employer must keep—

(1) a register in which the names of all workers must be entered in chronological order of employment before they begin work ;

(2) a wages book, showing in respect of each employee (a) the name, surname and registration number ; (b) the number of hours worked each day, overtime being shown separately ; (c) the remuneration actually paid in cash and the remuneration paid in other forms.

It is self-evident that the wages book will indicate the remuneration paid during the leave period and hence the period of leave.

There are no penalties for non-compliance by the employer with the provisions on holidays with pay, but claims for leave benefits may be made in the civil courts through the normal channels of court procedure.

However, if the system already in force were to be reintroduced under the forthcoming Act on industrial organisations, so that non-compliance with a clause in a collective labour agreement would constitute an offence punishable under the Penal Code, the complete application of the Convention would be assured in this respect as well.

The Government recalls that the Conference Committee had noted in 1955 that, pending the enactment of the Act on industrial organisations, collective agreements are not applicable to all workers in a given occupational category but only to members of the industrial organisations concerned. In answer to this comment it was pointed out that, though this may be correct from the legal point of view, in practice collective contracts are more widely applied.

A total of 4,044,543 workers are employed in industry, 1,525,735 in commerce and 555,374 in transport services.

#### *New Zealand.*

Labour Department Act of 1 October 1954.

It is estimated that at 15 April 1955 the legislation applying the Convention covered 640,000 workers. The number of alleged contraventions by employers of the Annual Holidays Act, 1944, which required investigation totalled 497. In 85 cases no infringement was revealed and in two cases convictions were obtained. Arrears of wages, under the Annual Holidays Act, amounting to £4,510 were paid at the instigation of the Department of Labour for the year ended 31 March 1955.

#### *Yugoslavia (First Report).*

Decree of 4 July 1946 respecting annual holidays with pay for wage-earning employees, salaried employees and officials (L.S. 1947—Yug. 1).

Decree of 3 July 1947 to amend and supplement the aforementioned Decree.

Instructions of 7 June 1950 to implement the Decree of 4 July 1946.

Ordinance of 28 December 1949 respecting the planning of annual holidays for wage earners and salaried employees.

Regulations of 6 April 1949 respecting the content and method of concluding contracts of employment.

Decree on the changes in wage rates for workers employed under the national economy.

Decree to amend and supplement the Decree concerning apprentices.

*Article 1 of the Convention.* All persons under a contract of employment, irrespective of the work they do in any undertaking, establishment, institution or organisation or for a private employer, are entitled to an annual holiday with pay in accordance with the Decree of 4 July 1946 respecting annual holidays with pay for wage-earning employees, salaried employees and officials. The Convention is accordingly applied to all the staff of all the undertakings and institutions listed in Article 1. The definition provided for in paragraph 2 is not required in Yugoslavia.

*Article 2.* Section 1 of the same Decree and paragraph 1 of the Instructions to implement it lay down that every wage-earning employee, salaried employee and official who has been continuously employed for not less than 11 months by one and the same undertaking, establishment, institution or organisation or by one and the same private employer shall be entitled to an annual holiday with pay. This entitlement to annual holidays with pay is not lost if a change of job without interruption of employment is due to : a transfer ; the worker's giving up work for a reason that cannot be impugned ; the worker's leaving his job for the reasons given in sections 23 and 26 of the Decree respecting the conclusion and termination of contracts of employment (cases in which the worker has for over a month been in a job which does not correspond to his professional abilities or to his qualifications and his physical aptitudes, in which the employer does not meet the obligations arising out of the contract of employment, in which the employer refuses without good reason to grant the worker weekly rest and annual holidays, in which the worker is required to do extra work against existing rules, in which the employer has not given the worker the statutory health and technical protection, in which the worker has not received his pay within 15 days of the expiry of the term of payment, etc.) ; or if the change is due to the liquidation and the cessation of business of the undertaking or institution in which the worker has been employed or to the cessation of business of his private employer.

Under point 2 (3) of the Instructions to implement the Decree respecting annual holidays with pay for wage-earning employees, salaried employees and officials, a worker who meets one of the conditions mentioned above may be regarded as having a new contract of employment without there having been any break in his employment, provided that within ten days of the termination of his contract with his previous employer he has a new one with another. Under paragraph 3 of the Instructions cited above a worker who has registered with an employment office within eight days from the beginning of the seasonal interruption of work to obtain a contract of employment with another employer during the period of interruption is entitled to his annual holiday with pay under the same contract of employment when he

resumes work with his former employer at the end of the seasonal interruption of work.

A period of absence due to sickness or military service, maternity leave and a period during which workers are employed on voluntary public works are included in the 11 months of uninterrupted service with the one employer which a worker has to have to be eligible for a holiday with pay.

Under the Decree and the Instructions cited above the duration of the annual holiday with pay is to be between 14 and 30 days, including Sundays and public holidays (section 2 of the Decree and paragraph 3 of the Instructions).

Annual holidays exceeding the minimum period of 14 days are due to the workers mentioned below whose conditions of work necessitate longer periods of rest: inventors; intellectual workers; underground workers; disabled servicemen or workers; workers whose annual holiday for the previous year was suspended in accordance with paragraphs 1, 2 and 4 of section 5 of the Decree respecting annual holidays with pay; older workers and public servants who have given many years of service to the one employer; and women workers nursing their children.

Under paragraph 1 of the Ordinance respecting the planning of annual holidays for wage earners and salaried employees, those in charge of undertakings, institutions, establishments and organisations are to draw up, in agreement with the trade unions, a leave chart for the annual holiday with pay of every worker or official.

Since young persons under 16 years of age may not enter employment except as apprentices, there are no special provisions concerning their holidays. Under section 15 of the Decree concerning them, apprentices are entitled to an annual holiday of 37 days—30 during the summer and seven during the winter.

Periods of absence due to sickness or accident, periods of convalescence, periods of military service, compassionate leave to enable a worker to look after a sick member of his family and maternity leave are not included in the reckoning of the annual holiday with pay (section 4 of the Decree or point 6 of the Instructions). However, if a worker falls ill during his annual holiday the length of the holiday is not affected.

National legislation does not state that public holidays are not included in the annual holidays with pay as provided for in paragraph 3 (a) of Article 2 of the Convention. Public holidays are included among the minimum 14 days of paid holiday.

Under section 3, paragraph 2, of the Decree respecting annual holidays with pay for wage-earning employees and salaried employees, the annual holiday with pay is to be granted in the course of the calendar year to which it relates. In principle it is prohibited to carry the holiday forward from one year to another, but in exceptional circumstances the annual holiday may be carried forward to the following year when the right to an annual holiday with pay is acquired at the end of the year to which it relates.

*Article 3.* In accordance with point 8 of the Instructions to implement the Decree any person taking his annual holiday receives during this

holiday his normal remuneration, including permanent supplementary payments.

The wages paid to the workers during their annual holiday are based on the wages paid to the workers who are actually at work in the undertaking. Workers on annual holiday are also entitled to a share in the profits of the undertaking.

Workers paid by the month receive their remuneration, including that for their period of absence, before they leave on holiday.

*Article 4.* Any agreement or contract concluded between a worker and an employer and providing that the workers forgo their rights under existing legislation is regarded as being void. This principle also applies to annual holidays. Section 5 of the Regulations respecting the content and method of concluding contracts of employment emphasises that these contracts may not include provisions that conflict with existing legislation.

Under the Decree to amend and supplement the Decree respecting annual holidays with pay for wage-earning employees, salaried employees and officials, however (section 1, paragraph 2 of the Decree) the head of the undertaking may, in exceptional cases, carry forward the annual holidays of workers whose presence is essential if the undertaking is to function properly. In such a case the employer must give written notice of the grounds for his decision, which is subject to the agreement of the union. The workers who are entitled to the annual holiday with pay receive in addition to their basic wage a cash bonus corresponding to the basic wage for the length of the annual holiday. In practice such postponements are very rare.

*Article 5.* No use has been made of the provisions of this Article.

*Article 6.* Under the Decree to amend and supplement the Decree respecting annual holidays with pay for wage-earning employees, salaried employees and officials (section 1, penultimate paragraph) a cash bonus equal to their basic wage for 14 days is paid to workers who are dismissed, without there being any misconduct on their part, before they have taken the annual holiday with pay to which they are entitled. The bonus for the period of the annual holiday is also due to a worker who has not taken the annual holiday to which he was entitled owing to negligence on the part of the employer.

*Article 7.* Under the Public Servants Act (section 19) and the Instructions on the keeping of records, undertakings keep books giving particulars of the workers and their families, their work and their periods of absence in the course of the year. These books also give the date of entry into employment, the date of termination of employment and the total length of service. The provisions of Article 7 of the Convention are applied in their entirety.

*Article 8.* The national legislation does not establish penalties to ensure the application of the provisions regarding annual holidays with pay, but if the competent labour inspectors discover anomalies in the application of annual holidays with pay the employer is held responsible.

Disregard of an order of the Labour Inspectorate (section 21 of the Labour Inspection Act) is punishable by a fine of 10,000 dinars or 30 days' imprisonment.

The national legislation ensures the application of all the provisions of the Convention regarding entitlement to an annual holiday with pay.

The administrative agencies concerned have direct responsibility for the application of the above-mentioned provisions, the supervision of which is effected by the labour inspectors.

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

*France, Mexico.*

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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 . . . . .	29.10.1938

*Belgium.*

During the period under review 120 certificates of competency were issued.

*Egypt.*

Ministerial Decree No. 475 of 1954 superseding Ministerial Decree No. 1 of 1948 (Programme of examinations for ships' engineers and regulation charges).

It is still permissible to engage certain persons such as engineers without the requisite certificates for employment on merchant vessels, provided that they possess the necessary experience. This is due to the present shortage of qualified engineers. The percentage of such persons who are uncertificated has fallen and stands at present at 2.4 per cent. The report gives details of the minimum age and sea-going experience required in order to obtain the various types of certificates.

*Finland.*

During the period under review competency certificates were issued to 406 navigating officers and 530 engineer officers. Nine persons were fined for various infringements of the regulations.

*France.*

During 1954, 1,703 certificates and diplomas were issued as follows: 857 for deck officers, 727 for engineers and 119 for radio operators.

*Italy.*

The Government reproduces the information supplied in writing to the Conference Committee on the Application of Conventions and Recommendations in 1955, from which it appears that under section 164 of the Maritime

Navigation Code the maritime authorities are required to satisfy themselves, before granting a vessel clearance, that it is properly manned for the voyage. The crew on board is checked against the crew list, which must, *inter alia*, give particulars of their certificates of competency (section 170 of the Code). These provisions of the Maritime Navigation Code must be construed in conjunction with sections 426 and 427 of the Regulations applying the Code. Section 426 of the Regulations empowers the harbourmaster to refuse to allow any vessel to sail whose crew does not conform to the requirements mentioned above. A number of clauses in the Maritime Navigation Code further provide for penalties to be imposed for any breach of the regulations governing proficiency certificates.

The report concludes that it is clear that the maritime authorities maintain a constant watch to ensure compliance with the principles of the Convention.

*Mexico.*

Coastal and River Shipping Services Act of 2 February 1929.  
Regulations of 8 December 1945 respecting examinations for members of the merchant marine.

*Article 3 of the Convention.* Section 1 of the Regulations respecting examinations for members of the merchant marine states that to discharge their various duties such persons must hold a certificate of competency or produce evidence in their continuous discharge certificates that they have passed an examination to perform the duties specified therein.

*Article 4.* Section 1 of the same Regulations (which naturally cover coastal shipping) fixes a minimum age of 18 for the holders of certificates of competency. The Regulations also lay down the conditions to be observed before members of the merchant marine may hold such certificates.

*Article 5.* Under section 225 of the Act on general lines of communication the harbourmaster, shipping inspectors and port police may prevent a ship from sailing if any member of its crew has not gone aboard in the prescribed manner. Section 297 of the Act also makes it compulsory for all members of the crew to satisfy the maritime authority that they have the necessary seafaring ability to perform their duties.

*Article 6.* Under Mexican law offences of this type are punishable with a fine not exceeding 1,000 pesos for the first offence, and a term of imprisonment of not less than 15 days and not

more than one year for subsequent offences, these penalties being over and above the penalties to which the offenders may be liable under civil or penal law.

*New Zealand.*

Two schools of navigation functioned efficiently in Auckland and Wellington during 1954.

For the first time examinations were held for extra first-class certificates of competency intended for those who desire to prove their superior qualifications as engineers.

The results of examinations for deck and engineroom officers during the year under review show a total of 73 passes and 29 partial passes out of 135 candidates; for various grades of deck officers' certificates, the corresponding figures for engineroom officers' certificates were 161 passes and 80 partial passes out of 376 candidates.

*Norway.*

During the period under review the total number of certificates of competency issued to navigating officers was 1,332 and to engineer officers 1,178.

*United States.*

During the period under review 1,028 original licences were issued to masters and mates of all categories and 1,616 licences to chief engineers and engineer officers. In addition, 2,689 licences were issued to motor-boat operators and 92 to radio operators.

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

*Brazil, Denmark.*

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

The voluntary report from *Belgium* reproduces the information supplied for 1953-54.

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 . . . . .	29.10.1938

*Belgium.*

It is estimated that the Convention applies to about 5,000 seamen. During the period covered 42 seamen were repatriated.

*France.*

The difficulties, mentioned in last year's report, which had arisen between the National Institute for Disabled Seamen and certain shipowners with regard to the functions which the General Welfare Fund should perform in connection with section 79 of the Maritime Labour Code, have not yet been settled.

The total amount payable by shipowners is estimated at 1,300 million francs.

*Italy.*

The report reproduces the terms of the reply submitted by the Italian Government to the International Labour Conference in June 1955 in response to the observations made in 1955 by the Committee of Experts. It is explained that Articles 4 and 5 of the Convention do not conflict with Italian legislation since the condition of reciprocity as regards foreign seamen (section 7 of Legislative Decree No. 1918 of 23 September 1937) relates to the additional benefits due in cases of sickness or accident which appear or occur within 28 days of disembarkation and not to the benefits due in case of sickness or accident occurring during the term of the contract of employment, which are the subject of the Convention.

As regards the repatriation of foreign seamen put ashore owing to sickness or accident, it appears that the provisions of section 368 of the Navigation Code, which agrees with sec-

tion 26 of Decree No. 1918 cited above, constitute an obstacle to the application of the Convention when a seaman who is put ashore belongs to a nation with which there is no reciprocity of treatment. A Bill to eliminate this difficulty has consequently already been tabled by the authorities.

During the period 1954-55, 58,083 seamen received benefits from the Maritime Funds—5,898 on account of accidents and 52,185 on account of sickness.

Mexico.

Regulations of 4 September 1941 respecting coastal shipping.

Article 8 of the Convention. Under section 31 of the above Regulations, the master of the vessel, representing the shipowner, is required to draw up a certificate and a list of the property left by any passenger or member of the crew

who dies on board. These documents must be prepared in the presence of two officers and handed over, together with the objects appearing on the list, to the maritime authority at the first port of call.

Article 9. Title 9 and Chapter 10 of the Federal Labour Act lay down the procedure for securing the speedy and inexpensive settlement of all disputes in which employers are involved, including, by way of exception, those relating to the liability of the shipowner.

Mexican legislation contains no provisions relating to disputes which arise abroad in places where this Convention might be applicable since the Mexican merchant fleet is not at the moment of a size to justify the inclusion of such provisions.

The report from the United States reproduces the information previously supplied.

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.

Royal Orders of 13 November and 14 December 1954 to amend the rules of the Assistance and Welfare Fund for seamen sailing under the Belgian flag.

France.

Act No. 54-892 of 2 September 1954 respecting the

revalorisation of compensation payable under workmen's compensation laws.

Sections 23 and 31 of the above-mentioned Act provide for an increase of the daily and monthly allowances as well as of the pensions paid to insured persons in the first three categories.

The number of beneficiaries has hardly varied. The amount paid out in cash benefits was estimated at 600 million francs, or 5,000 francs per insured person. Out of this total, survivors' benefits amounted to 30 million francs. Benefits in kind cost 2,400 million francs. Employers' contributions amounted to 2,032.7 million francs, and contributions from insured persons and pensioners to 1,014.4 million francs.

United Kingdom.

See under Convention No. 24.

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.

The voluntary report from Belgium reproduces the information supplied for 1953-54.

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
Denmark . . . . .	4. 6.1955
France . . . . .	9.12.1948
Iraq . . . . .	30.12.1939
Italy . . . . .	22.10.1952
Japan . . . . .	22. 8.1955
Mexico . . . . .	18. 7.1952
Netherlands . . . . .	8. 7.1947
New Zealand . . . . .	10.10.1946
Norway . . . . .	7. 7.1937
Sweden . . . . .	6. 1.1939
United States . . . . .	29.10.1938
Uruguay . . . . .	18. 3.1954

*Belgium.*

The Bill to amend the Act of 5 June 1928 respecting seamen's articles of agreement, so as to fix the minimum age for admission to employment at sea at 15 years, will be brought before Parliament at the beginning of 1956.

*Cuba (First Report).*

Legislative Decree No. 883 of 1953.

*Article 1 of the Convention.* Section 18 of the above-mentioned Legislative Decree uses the expression "in no vessel flying the Cuban flag", which includes any vessels whatsoever, whether publicly or privately owned.

*Article 2.* The above-mentioned section 18 contains an exception similar to that in the Convention. No recourse has been had to the proviso contained in paragraph 2.

*Article 3.* This Article is in conformity with sections 1 and 3 of the Legislative Decree.

*Article 4.* Effect is given to this Article by section 26 of the Legislative Decree.

The Ministry of Labour, the Maritime Affairs Office, the provincial labour offices, harbour-masters and customs officials, are under an obligation to assist in the enforcement of Legislative Decree No. 883. The inspections consist of a scrutiny of the crew list and individual verification of the ages of members of the crew. When taking a new job a seaman is required to furnish proof of his age at the time of signing on.

*Mexico.*

Coastal and River Shipping Services Act of 2 February 1929.  
Regulations of 23 November 1934 of the Federal Labour Inspectorate.  
Regulations of 8 December 1945 respecting examinations for members of the merchant marine.

*Article 2 of the Convention.* Mexican legislation fixes the minimum age for admission to employment at sea at 18 years (section 1 of the Regulations for examinations mentioned above).

*Article 4.* Section 20 of the Coastal and River Shipping Services Act lays down that vessels must have a list of the crew in order to obtain permission to sail.

Inspections on board ship are carried out in accordance with the provisions of paragraphs III and IV of section 19 of the Regulations of the Federal Labour Inspectorate.

*Netherlands.*

In 1954 permission was given to 75 children aged 14 years, who had completed their compulsory schooling, to work on board fishing vessels.

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

*Brazil, Canada, France, Iraq, Italy, New Zealand, Norway, Sweden, United States.*

## 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
Pakistan . . . . .	26. 5. 1955
Uruguay . . . . .	18. 3. 1954

#### *China.*

Factories Act (Consolidated) of 30 December 1932 (L.S. 1932—Chin. 2).  
Mines Act of 25 June 1936 (came into force 1 September 1950).

The Factories Act provides that no person under the age of 14 years shall be employed as a worker (section 5); persons between 14 and 16 years of age shall be deemed to be young persons, and as such shall be employed only on light work (section 6); young persons shall not be employed on work dangerous to their health, life or morals (section 7). Employers who contravene the last-mentioned prohibition (section 7) shall be liable to a fine varying between \$100 and \$500. The Mines Act provides that young persons shall not be employed on work

in mine pits (section 5). Offenders are liable to a fine of from \$50 to \$300.

The application of the Factories Act and of the Mines Act is entrusted to the Ministry of the Interior, to the Provincial Department of Social Affairs and to the county and municipal governments.

The two Acts are in full operation in Taiwan. According to the Factory Inspection Committee 5,206 out of the 47,284 workers employed during 1953 in 643 factories inspected were young persons and 626 were children under 14 years of age. In the 132 mines inspected the number of young persons employed was 67. Any infringements reported were dealt with in accordance with these Acts.

#### *New Zealand.*

As regards the observations made by the Committee of Experts in 1955 the Government states that the Committee will be advised when it proves opportune to introduce the necessary legislation.

#### *Norway.*

During 1954 four contraventions were reported of section 27 of the Workers' Protection Act concerning the 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

#### *New Zealand.*

As regards the observations made by the Committee of Experts in 1955, the report refers to the information given relating to Convention No. 59.

### 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).*

The number of hours worked overtime at the establishments covered by the legislation during the year ended 31 March 1954 was 687,751 (554,772 hours by men and 132,979 by 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
Federal Republic of Germany . . . . .	14. 6. 1955
Mexico . . . . .	4. 7. 1941
Netherlands . . . . .	2. 5. 1950
Poland . . . . .	17. 4. 1950
Switzerland . . . . .	23. 5. 1940
Uruguay . . . . .	18. 3. 1954

### *Belgium.*

*Article 7 of the Convention.* It is sometimes too costly to install scaffolds for minor repair work. However, it is increasingly rare to find overloaded scaffolds and the provisions for periodic inspection of scaffolds are rarely observed.

*Article 8.* The increasingly frequent use of metal materials is leading to an improvement in the observance of the provisions concerning working platforms.

*Article 9.* There are still a large number of infringements of the provisions for preventing the fall of persons or material. A certain amount of progress has been made, however, with regard to lift-shafts.

*Article 13.* A Bill which has been submitted to the competent authorities provides that only persons who are properly qualified and fit to be trusted may be employed as operators of hoisting appliances, whether worked by machinery or otherwise, or as the persons who give signals to the operators. The question of fixing the minimum age is still being examined.

The number of accidents notified in 1954 in the building and construction industry was 14,095, of which 31 were fatal.

### *Finland.*

The Bill to revise the Industrial Safety Act and the regulations with regard to scaffolds and hoisting appliances are being drafted.

In recent years use has begun to be made of scaffolds made of metallic tubes. Draft standards for scaffolds are at present being prepared. Building undertakings are making increasing use of hoisting appliances of different kinds which are approved by the competent services before being put into use. A committee has been instructed to prepare a set of safety rules for hoisting appliances.

In 1954, 88,214 workers were employed in the building industry. A total of 15,252 accidents occurred in 1952 in the industry, of which 56 were fatal and 174 resulted in permanent incapacity.

### *France.*

In reply to the observations of the Committee of Experts the report points out that the Decree of 9 August 1925 cannot be amended until it has been examined by various committees.

The report includes an appendix of detailed statistics with regard to accidents in the building industry during 1953. The number of workers insured was 1,021,018 and 226,140 accidents were notified. Out of this number of accidents 703 were fatal, 601 led to permanent incapacity of between 50 and 100 per cent. and 14,091 to permanent incapacity of less than 50 per cent. The number of days lost owing to temporary incapacity was more than 4 million. The principal causes of accidents were handling of material (61,751 accidents) and falls of material or persons (51,647 accidents).

### *Mexico.*

*Article 3 of the Convention.* Effect is given to the general provisions of the Convention in the Federal District through the Regulations of 1942 respecting buildings and city services in that District. As regards the remainder of the country, the Ministry of the Interior requests the State and municipal authorities to comply with the Convention. In response to this request, the State of Guerrero indicates that safety provisions are observed in building work, and the State of Morelos reports that the Government intervenes with the construction experts and undertakings, urging them to comply with the provisions of the Convention.

*Article 6.* Figures from the 1950 census show that 116 persons had been victims of accidents in the building industry, including workers engaged in the manufacture of construction materials. The number of persons occupied in the building industry is 18,386.

*Article 13.* The age prescribed for persons in control of hoisting machinery or giving signals to the operator of such machinery corresponds to the provisions of the Federal Labour Act, i.e. 16 years, the issuing of the required permit being within the competence of the relevant authority.

*Articles 16 to 18.* All factories and workshops have first-aid equipment.

### *Netherlands.*

The report gives information on various measures taken by the Labour Inspectorate and by the statutory accident insurance authorities to improve safety in the construction industry. These measures include more particularly education, propaganda, testing, development and approval of new equipment and research work.

In 1954 there were 41,773 non-fatal and 40 fatal accidents as against 39,680 and 27 respectively during 1953. It is pointed out that the

present construction boom has a certain influence on these high figures and that the safety-consciousness of workers and foremen leaves something to be desired.

Reports on infringements were drawn up in 117 cases.

*Poland.*

Ordinance of 1 April 1953 respecting industrial safety and hygiene of workers employed in carrying loads by hand.

The report states that the question raised by the Committee of Experts with regard to the application of the provisions of Article 8, para-

graph 2 (b), of the Convention would appear to be governed, in the case of workers using tip-trucks or wheelbarrows, by the provisions of paragraph 46 of the Ordinance of 1 April 1953, which fixes the width of working platforms and gangways used in this form of transport at between 60 and 90 cm.

*Switzerland.*

In 1953 there were 27,652 accidents in the building trade, 10,534 of them not serious.

The annual report for 1954 of the Swiss National Accident Insurance Fund is appended to the Government's report.

## 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*

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>2 3</sup>	5. 10. 1940
Finland <sup>2</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>2</sup>	29. 3. 1940
Sweden <sup>2</sup>	21. 6. 1939
Switzerland <sup>2 3</sup>	23. 5. 1940
Union of South Africa <sup>1 3</sup>	8. 8. 1939
United Kingdom	26. 5. 1947
Uruguay	18. 3. 1954

<sup>1</sup> Excluding Part II.

<sup>2</sup> Excluding Part III.

<sup>3</sup> Excluding Part IV.

#### *Australia.*

In summarising the present position of statistics of wages and hours of work in Australia the report points out that, while the information obtained from the tabulation of wages and salaries paid is most valuable, the need is often felt for a more specific collection of earnings as well as details of actual hours worked, which would enable the compilation of the statistics provided for in Part II of the Convention. It has not been found practicable, however, at this stage to undertake regularly the amount of detailed work involved in such a compilation.

#### *Canada.*

*Article 13 of the Convention.* Statistics of time rates of wages and of standard hours of work are compiled for the principal manufacturing industries and mining, as well as construction.

#### *Ceylon.*

No changes in the nature of the statistics of wages and hours of work have occurred during the period of reference; the proposed changes are described below.

In reply to the observations of the Committee of Experts in 1955 the report contains the following information.

*Articles 5 and 13 of the Convention.* Statistics of average earnings, time rates of pay, and

actual and normal hours of work in plumbago mining (the only important mining activity) are being compiled.

*Article 6.* Average earnings include all cash payments and bonuses received from the employer by the persons employed. Social insurance does not exist and the persons covered by the wage statistics do not pay direct taxes. Deductions made by employers on account of provident funds are included in statistics of average earnings.

*Article 10.* Action is proposed to be taken to collect statistics of average earnings by sex and separately for adults and juveniles, in conformity with paragraph 2.

*Articles 12 and 21.* Index numbers of the general movement of time rates of pay and of average earnings are being compiled.

*Article 17.* Statistics of time rates of pay are not compiled separately by sex since wage rates are not promulgated on a sex basis.

#### *Czechoslovakia.*

*Articles 5 to 12 of the Convention.* Statistics of average earnings and of average hours of work are compiled monthly and cover workers in industry, in state farms and in tractor stations. The report states that the statistics of average earnings comprise the elements specified in Articles 6 and 7 of the Convention. Statistics of average earnings and of hours actually worked relate to the whole of Czechoslovakia.

*Articles 13 to 22.* Statistics of time rates of wages and normal hours of work are not compiled and statistics of wages in agriculture do not cover private firms since wage labour is practically non-existent on such farms.

Indices of wage changes and hours of work from 1 July 1954 to 30 June 1955 are appended to the report.

#### *Denmark.*

*Article 5, paragraph 3 of the Convention.* Statistics of hours actually worked in September 1953 were published in the Statistical Yearbook for 1954.

#### *Egypt.*

*Article 5 of the Convention.* The Bulletins of the Department of Census and Statistics follow new methods of presentation and tabulation recommended by a United Nations statistical expert.

Since July 1953, instead of the former 25 per cent. sample of all establishments, the statistics of average earnings and of average hours of work are based on a triennial census of workers engaged in industry, mining, commerce and personal services and a survey every six months of all industrial establishments employing ten or more workers and all commercial establishments employing five or more workers.

*Article 7.* Allowances in kind are included as a separate item in the newly adopted system.

*Article 10.* Under the new system statistics are not compiled separately for each sex and for adults and juveniles because the number of women employed in industry forms only about 3 per cent. of the total number of workers and the number of young persons employed does not exceed 9 per cent.

*Article 12.* Index numbers showing the general movement of average earnings per week are not compiled and the Department of Census and Statistics seems to have abandoned for the time being the idea of compiling such index numbers.

The task of compiling statistics is entrusted to the Department of Census and Statistics.

#### *France.*

In reply to the observation made by the Committee of Experts in 1955, the report states that the Ministry of Labour intends to encourage the extension to other industries of the inquiry into occupational wage rates currently undertaken only in the metallurgical industries.

#### *Mexico.*

*Articles 5 to 21 of the Convention.* In reply to the observation made by the Committee of Experts, the report includes statistics of earnings and of hours worked for the various manufacturing industries for 1954 and part of 1955, together with statistics of time rates of pay. In addition, the Statistical Yearbook for 1953, published in 1954, contains data on minimum and hourly wages and on weekly hours of work.

*Article 22.* It is difficult, because of a lack of adequate means, to carry out surveys with regard to agriculture, but steps are being taken in conjunction with the Ministry of Agriculture in order to collect these statistics.

#### *Netherlands.*

The report refers to the publication of current statistics of wages and hours of work.

#### *Norway.*

*Article 5 of the Convention.* The compilation of complete wage statistics in 1955 will make possible the collection of data on hours of work in different industries for that year.

*Article 10.* The Government states in reply to the observation made by the Committee of Experts in 1955 that there are no concrete plans for compiling annual statistical information on average working hours in manufacturing industries, but that the subject will be discussed in the near future with a view to complying with the requirements of the Convention.

#### *Sweden.*

*Article 7 of the Convention.* A survey providing particulars of allowances in kind in 1953 was published in 1955.

#### *Switzerland.*

The report refers to the publication of current statistics of wages and hours of work.

#### *Union of South Africa.*

In reply to the observation of the Committee of Experts the report states that, owing to various circumstances, revision of the wage rate index has not yet been completed, nor is it possible at this stage to state when this will be done.

#### *United Kingdom.*

The report refers to the publication and transmission to the International Labour Office of current statistics of wages and hours of work and related information called for in the Convention. No changes in the nature of the statistics have occurred during the period under review.

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

*Finland, Ireland, New Zealand.*

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.*

The Bill concerning the training of seafarers, which will provide a legal basis for the new regulations on the issue of certificates in the merchant marine and fishing fleet, is now expected to go before Parliament at an early date, following the adoption of the Act of 27 July 1955 respecting the system of public education in secondary, higher and technical schools, with which its provisions are to be co-ordinated.

*Ireland.*

The Government states that, in accordance with Article 3, paragraph 2, of the Convention, and by reason of the inadequate supply of certificated ships' cooks, three further exemptions have been granted. There are now three approved cookery schools, and 11 further certificates have been issued.

*Italy.*

Act No. 727 of 4 August 1955 respecting the certification of ships' cooks.

In reply to the observations made in 1955 by the Committee of Experts on the holding of examinations and the granting of certificates of qualification, the Government states that in accordance with section 2 of Act No. 727, which has already been enacted, the authorities have ordered the drafting of the necessary statutory regulations. The preparation of these regulations has, however, brought to light a number of difficulties raised by the shipowners' and seafarers' organisations; efforts are being made to reconcile their views and a special committee has been set up to this effect.

Section 1 of the Act makes compulsory the certificate for persons acting as ships' cooks on board merchant vessels and the maritime authorities are empowered to grant exemptions in the

event of an inadequate supply of certificated ships' cooks. This provision will come into effect as from 21 April 1956, and seamen who have satisfactorily completed two years' service as ships' cooks before that date may obtain a certificate attesting the said employment, which shall be fully equivalent to a certificate of qualification.

*Netherlands.*

Further use has been made of the provision contained in Article 5. As a result 851 "certificates of services" and 246 certificates of qualification (following an examination) have been issued.

*Norway.*

In reply to the Committee of Experts' observation on the first annual report submitted last year, the Government states that owing to variations in the size of crew on smaller vessels, and particularly the diversity in length of shipping routes, it has been found necessary to stipulate that ships' cooks be engaged according to the number of crew on board and not to the size of vessel. Under Norwegian legislation cargo or passenger vessels carrying a certain number of crew are considered as sea-going vessels.

During the period between 1 August 1950 to 30 June 1955, 1,592 cooks' certificates were issued.

*Poland (First Report).*

Provisions concerning the engagement of ships' cooks would be adopted only after existing cooks on board ships have received the required professional courses of training; the first such course for cooks on board merchant ships was held in 1954 and two further courses for cooks on board fishing vessels were held in 1954 and 1955. The conditions required under Article 4, particularly those relating to a minimum period of sea service and the passing of the prescribed examinations, could be fulfilled during 1956.

*Portugal.*

With reference to the observations made by the Committee of Experts the Government states that legislation corresponding to the requirements of the Convention is in preparation.

United Kingdom.

During the period under review 144 certificates of service and 674 certificates of competency as ships' cooks were issued.

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

Canada, France.

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

Belgium.

See under Convention No. 69.

France.

Order of 3 September 1954 respecting the certification of able seamen.

The above-mentioned Order supersedes the Order of 28 February 1952.

The total number of certificates awarded as at 1 January 1955 was 2,530.

Netherlands.

From the date of coming into force (1 April 1951) of Royal Order No. K. 131 of 5 April 1950 up to 12 August 1955, 368 certificates were issued.

Portugal.

The report states that new legislation, in conformity with the Convention, is in preparation.

United Kingdom.

Merchant Shipping (Certificates of Competency as A.B.) (Amendment) Regulations, 1955.

The above-mentioned Regulations, which were adopted during the period under review, provide that the sea service requirements may be reduced in respect of satisfactory completion of a course of training at a specified establishment or institution by a prescribed period. All such reductions are subject to an over-all maximum of six months. The number of certificates issued between 1 July 1954 and 30 June 1955 was 2,329.

United States (First Report).

United States Code, Title 46, sections 222 and 672. Code of Federal Regulations, Title 46 (Shipping), Parts 10, 12, 14, 15 and 16.

The Government states in its report that the Convention became applicable automatically upon its ratification since no enabling legislation was required. It refers to the understandings expressed by the Government as conditional to ratification of the Convention by the United States as regards (1) continuance of the practice of issuing limited certificates as able

seamen to persons of less service or training than prescribed in the Convention and the engagement of such persons in an intermediate capacity outside the terms of the Convention ; (2) restricting application of the Convention to sea-going vessels of over 100 gross tons within the definition laid down by national law.

*Article 1 of the Convention.* Section 672 of Title 46 of the Code requires that 65 per cent. of the deck crews of all United States ocean-going merchant vessels of 100 gross tons and over should be able seamen. Under the provisions of paragraph (a) of the same section one-fourth of these may be persons with 12 months' sea service and certified as able seamen, while the remainder are subject to the minimum requirements established under Subpart 12.05 of the Code of Federal Regulations, Title 46 (Shipping), for the issue of the various certificates as able seamen.

*Article 2.* The Code of Federal Regulations lays down detailed procedure in regard to examination, both practical and theoretical, for certificates as able seamen, and further provide for recognition of able seamen's certificates as equivalent to certificates as lifeboatmen within the requirements of laws or regulations. The minimum age for certification as able seaman is fixed at 19 years (one year higher than in the Convention), and the minimum qualifying period of sea service is ordinarily fixed at three years. From this limit a maximum of one year may be deducted for applicants who have successfully completed a course of training as able seaman in an approved school, or 18 months in the case of persons who have satisfactorily completed such period of training in a sea-going training ship approved by the United States Coast Guard. The regulations also provide for examination as to physical fitness, which is not laid down in the the Convention.

*Article 3.* No advantage has been taken of the exception provided in this Article, since the law and practice in the United States either meets or goes beyond the terms of the Convention.

*Article 4.* Certificates issued in other countries are recognised by the United States.

The United States Coast Guard is the competent authority, acting through its Merchant Vessel Personnel and Inspection Divisions at headquarters and the shipping commissioners and offices in the various ports. The Government affirms that law and practice in the United States either meet or go beyond the requirements of the Convention in all respects.

The report from *Canada* reproduces the information previously supplied.

## 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

#### *France.*

Act No. 55-292 of 15 March 1955 to extend the provisions of the Act of 11 October 1946 respecting the organisation of industrial medical services to cover transport undertakings.

The report states that the Bill to extend the legislation on industrial medicine to cover mines has not yet been adopted, but that in fact the practice of medical examination of young persons is in force in the mines.

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

Employment of Children and Young Persons Act of 15 July 1953 (L.S. 1953—Isr. 2).

Youth Labour Regulations of 1954, made under section 10 (medical examination) and section 11 (b) (dangerous work for purposes of medical examination) of the above-mentioned Act.

Employment of Children and Young Persons Regulations (Work Books), 1954.

*Article 1 of the Convention.* The Employment of Children and Young Persons Act applies to industrial as well as to non-industrial employment and to children employed on their account in itinerant trading. The Government states that it is therefore not necessary to define the line of division between the different branches of employment.

*Article 2.* Sections 8 and 11 of the Act and the Regulations thereunder give effect to the requirements of this Article. The Sick Funds have been approved as certifying authorities, together with the district health offices; the examinations are carried out by specially approved physicians.

The details concerning medical examinations have been laid down by the Regulations under section 10 of the Act and medical examination cards have been introduced by the certifying authorities.

*Article 3.* Section 11 (a) and (b) of the Act and the Regulations thereunder give effect to the requirements of this Article.

*Article 4.* Section 16 of the Act provides in certain cases for medical examinations for young persons until the age of 21 years in work involving particular danger to health, to be fixed by regulations. These have not been drawn up as the Labour Inspectorate considers it preferable to complete first the examination of all young persons under 18 years of age.

*Article 5.* Section 9 of the Act gives effect to the requirements of this Article.

*Article 6.* The provisions of Part IV of the Act prescribe vocational guidance services which require medical examination for children in respect of whom guidance is sought. This examination is carried out by the same authority which is responsible for certifying fitness for employment and, if the examination reveals that the employment in itinerant trading affects the health of the juvenile, due notice is given to a regional inspector of labour and the person in question shall cease to be employed or to engage in employment. Section 13 (b) of the Act provides for co-operation between medical authorities, the Labour Inspectorate, one of the parents of the juvenile and the labour exchange. Section 11 (c) provides that medical certificates may be issued for a limited trial period and subject to conditions.

*Article 7.* Sections 11 (c) and 12 (c) of the Act require confirmation of medical fitness to be entered in the work book to be kept by the employer. Effect is also given to this Article by sections 13 to 15 of the Act and Rules 5 (a) and 11 of the Work Books Regulations.

The Labour Inspectorate is entrusted with the supervision and enforcement of the Act.

The period under review covers the first year of operation of the Act, so that the attention of the competent authorities was mainly directed towards instructing the medical services and preparing the necessary regulations and forms.

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

*Iraq, Poland.*



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

*France.*

Act No. 55-1032 of 4 August 1955 to apply to public hospitals the legislation respecting industrial medicine.

The report states that the staff of public hospitals were already subject to medical supervision.

*Israel (First Report).*

For legislation see under Convention No. 77.

*Articles 1 to 6 of the Convention.* See under Convention No. 77.

*Article 7.* Sections 11 (c) and 12 (c) of the Employment of Children and Young Persons Act of 15 July 1953 require the results of the

medical examination to be entered in the work book to be kept by the employer. The work book also contains a statement confirming that the child or young person has undergone a thorough examination and was found fit for the work in question. If a medical examination reveals that the employment or the itinerant trading affects the state of health of the child or young person the competent medical institution must give written notice to the regional labour inspector and the person concerned must cease to be employed.

See also under Convention No. 77 as regards the application of the Convention.

*Poland.*

In reply to the observations made by the Committee of Experts in 1955, the report confirms the statements made to the Conference Committee by the Polish Government representative, to the effect that the attention of the Central Council of Trade Unions, which is responsible for the protection of labour in Poland, has been drawn to the advisability of introducing legislation prohibiting the employment of young persons as domestic workers. The report adds that it is likely that the draft list of occupations from which young persons are debarred, among which is domestic work, will shortly be given statutory force.

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

*Dominican Republic (First Report).*

Labour Code of 11 June 1951 (L.S. 1951—Dom. 1). Regulation No. 7676 of 6 October 1951 to implement the Labour Code.  
Resolution No. 72 of the Secretary of State for Labour of 24 October 1951.

*Article 1 of the Convention.* The Labour Code applies, as far as the employment of children and young persons is concerned, to all industrial and commercial activities. Sections 67 and 78 of Regulation No. 7676 provide for a number of restrictions with regard to the application of the Code to employment in agriculture (sections 261 et seq.) and sea transport (sections 272 et seq.).

Paragraph 4 (a). Section 245 of the Labour Code lays down that all contracts of employment respecting domestic employees are governed exclusively by the provisions of Title III of Book IV, which means that they are not subject to the provisions of sections 222 et seq. respecting the employment of young persons. Section 247 also provides that the work of domestic employees shall not be subject to any timetable, but that such employees shall enjoy not less than nine hours' uninterrupted rest between two working days.

Paragraph 4 (b). This exception is provided for by section 224 of the Labour Code, the second paragraph of which states that the members of a family shall mean ascendants and descendants, and collaterals up to the fourth degree inclusive. However, section 229 lays down that no young persons under 18 years of age shall be employed—even by members of their family—in dangerous or unhealthy work either by day or by night. According to section 3 of Resolution No. 72 of 1951 of the Secretary of State for Labour, dangerous or unhealthy work is deemed to be work carried out in mines, underground, in tanneries, in driving motor cars, and in submarine work.

*Article 2.* Under section 223 of the Labour Code the employment of young persons under 14 years of age is strictly prohibited in all categories of employment except agriculture (section 7 of Regulation No. 7676); according to the report, there is no night work in agriculture (either for adults or for children and young persons).

Education at school is compulsory from seven to 14 years of age; children over 14 years of age are no longer subject to compulsory school attendance. The situation provided for in paragraph 1 of Article 2 does not arise in the Dominican Republic.

*Article 3, paragraph 1.* The provision of this paragraph is applied by section 224 of the Labour Code, which prohibits the employment of young persons under 18 years of age between 10 p.m. and 6 a.m.

Paragraph 2. No use has been made of the exception provided for by this paragraph.

*Article 4.* These exemptions are not provided for by the legislation, and there is therefore no competent authority to authorise them.

*Article 5, paragraphs 1, 2 and 4 (a).* Under section 228 of the Labour Code young persons between 14 and 18 years of age may be employed until midnight in concerts or theatrical shows with the previous authorisation of the Department of Labour, or the local authority representing the Department.

Paragraph 3. This provision is applied by section 229 of the Labour Code and by national practice; prior authorisation is not granted by the competent authority when the employment of young persons would appear to be prejudicial to their moral welfare.

Paragraph 4 (b) and (c). The observance of the provisions of subparagraphs (b) and (c) of paragraph 4 is ensured by means of various sections of the Labour Code designed to protect the health and moral welfare of young persons. For example, section 226 requires the presentation of a medical certificate proving physical fitness, and sections 227, 230 and 231 prohibit the employment of young persons in occupations which may endanger their moral welfare.

*Article 6, paragraph 1.* In application of this provision, sections 385 to 410 of the Labour Code provide for a system of supervision constituted by the inspection service of the Departments of Labour and the Employment of Women and Young Persons sections in each of these Departments.

Furthermore, under section 153 of the Labour Code, every employer is required to keep registers in conformity with the models approved by the Department of Labour in which must be shown, *inter alia*, information with regard to hours of work and the name, age and sex of the worker. Sections 20 and 22 of Regulation No. 7676 to implement the Labour Code also require employers to supply a certified true list of all the employees in their service.

In addition, young persons under 18 years of age working either for an employer or on their own account may be identified by the Employ-

ment of Women and Young Persons sections in the Departments of Labour which deal constantly with this question.

Sections 678 and 679 of the Code provide for fines in cases of contravention.

Paragraph 2. The authority empowered to grant individual licences in virtue of paragraph 1 of Article 5 is the Department of Labour and the local authority representing it; the minimum age fixed for the granting of these licences is 14 years (section 228 of the Code).

*Article 7.* The Government has no declaration to make with regard to this Article, and states that the corresponding legislation is restricted to the employment of children and young persons up to 18 years of age.

The supervision of the application of the above-mentioned legislation is entrusted to the Secretariat of State for Labour, which exercises this supervision through the Departments of Labour; these are assisted by local labour representatives and labour inspectors (sections 390 et seq. of the Labour Code). The methods employed are the usual methods of labour inspection services: visits by inspectors, control of the registers showing the particulars of the workers, investigation of complaints submitted by workers' organisations, etc. In addition, the Employment of Women and Young Persons sections in the Departments of Labour are responsible for special supervision over the application of the provisions relating to the employment of women and young persons.

With regard to the organisation and working of the inspection services, the Government refers to the information supplied in its report on the application of the Labour Inspection Convention (No. 81). It states that it will provide information later with regard to the decisions by courts of law respecting the application of the Convention.

#### *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 Regulations (Work Books), 1954.

*Article 1 of the Convention.* The above-mentioned Act applies to industrial as well as to non-industrial employment: it does not define the line of division between the different branches of employment.

The Act does not apply to any child working with his parents in casual non-industrial work.

*Article 2.* The Act prohibits the employment of children under 14 years of age. As regards children over 14 years of age, the Compulsory Education Law, 1949 (section 4 (c) (1)) provides that an employer employing a child or adolescent of compulsory education age (e.g. 17 years) who has not completed elementary education, shall release the child or adolescent from work, without deduction of wages, on the days and hours fixed for the attendance at school of the child or adolescent as may be prescribed by regulations.

*Article 3.* Section 24 of the Act prohibits the employment of children under 16 years of age between 6 p.m. and 6 a.m. and of adolescents

(who have reached the age of 16 but are not yet 18 years of age) during a period of 12 hours including the hours between 8 p.m. and 6 a.m.

*Article 4.* Section 25 (*b*) of the Act provides for the possibility of suspending the prohibition of night work in the circumstances referred to in Article 4, paragraph 2, of the Convention.

Sections 25 (*c*) and 26 (*a*) of the Act provide for temporary licences for the purposes of vocational training.

*Article 5.* This Article is applied by sections 25 (*d*), 26 (*a*) and 26 (*b*) of the Act.

*Article 6.* Paragraph 1 (*a*) of this Article is applied by section 29 of the Act (labour inspection).

As regards paragraph 1 (*b*) and (*c*) the report refers to section 28 of the Act and to regulations 1, 5 and 6 of the Employment of Children and Young Persons Regulations (Work Books), 1954. Regulations requiring employers to keep a register of all young persons employed by them have been drafted and will be shortly

submitted for approval to the Working Youth Council.

Paragraph 1 (*d*). Sections 33 and 37 of the Act lay down penalties for breaches of the legislation.

Paragraph 2 (*b*). A special permit was issued to allow young persons to be employed on the second shift till 11 p.m. for fruit packing in the citrus industry during the season.

Paragraph 2 (*c*). The Minister of Labour is empowered to permit a child who has reached the age of ten years to be employed until midnight in the interest of art.

The Labour Inspectorate is entrusted with the supervision and enforcement of the Act.

Very few contraventions have been reported, but the Government feels that inspections during the night in non-industrial undertakings were not frequent enough during the year to warrant the statement that no illegal employment exists in this respect.

The report from *Poland* reproduces the information previously supplied.

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## THIRTIETH SESSION (GENEVA, 1947)

### 81. Labour Inspection Convention, 1947

*This Convention came into force on 7 April 1950*

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
Federal Republic of Germany . . . . .	14. 6.1955
Greece . . . . .	16. 6.1955
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. 6.1954
Israel . . . . .	7. 6.1955
Italy . . . . .	22.10.1952
Japan . . . . .	20.10.1953
Netherlands . . . . .	15. 9.1951
Norway . . . . .	5. 1.1949
Pakistan . . . . .	10.10.1952
Sweden . . . . .	25.11.1949
Switzerland <sup>1</sup> . . . . .	13. 7.1949
Turkey . . . . .	5. 3.1951
United Kingdom <sup>1</sup> . . . . .	28. 6.1949
Yugoslavia . . . . .	18. 8.1955

<sup>1</sup> Excluding Part II.

#### *Austria.*

Ordinance of the Federal Ministry of Social Affairs dated 16 November 1954.

The above measure amends the ordinance respecting the areas supervised by the labour inspection services.

*Article 8 of the Convention.* At the end of the period under review the staff of the general labour inspectorate included 129 men and ten women inspectors.

*Article 9.* During the same period the general labour inspectorate included 78 qualified specialists and technicians, as follows: 3 doctors, 12 civil engineers, 1 agronomist, 18 chemical engineers, 21 electrical engineers, 16 mechanical engineers, 6 mining engineers, and 1 physicist.

*Article 10.* A total inspection staff of 248 persons was employed by the general, mining and transport inspection services.

The report adds that the representative organisation of workers considers that the number and remuneration of labour inspectors are not commensurate with the needs and that the inspection services lack medical staff. A suggestion has been made that the Labour Inspection Act should be amended to enable the inspectorates to appear as parties in the appeals procedure and to lodge complaints with the Administrative Court.

The report states that preparations are being made for a general reassessment of the wages and salaries of public employees including labour inspectors. Furthermore, it is proposed to add ten specialists to the labour inspection service as from 1 January 1956 and the question whether more specialists in medicine are needed will be considered by the Government.

#### *Dominican Republic (First Report).*

Labour Code of 11 June 1951 (L.S. 1951—Dom. 1). Regulation No. 7676 of 6 October 1951 to implement the Labour Code.

Act No. 385 of 11 November 1932 (Workmen's Compensation) to amend Act No. 352 respecting industrial accidents (L.S. 1932—Dom. 1).

*Article 1 of the Convention.* Section 400 of the Labour Code provides that the labour inspection service shall be responsible for supervising the application of the legal provisions for the protection of labour, and in particular those mentioned in section 390.

*Article 2.* Labour inspection is carried out in all industrial and commercial establishments and also in mining and transport undertakings.

*Article 3, paragraph 1 (a).* Under sections 399 and 400 of the Labour Code it is the duty of the inspection service to see that the legal provisions relating to labour are observed, especially in matters for which the Department of Labour is responsible under section 390 of the Code and which include all those referred to in paragraph 1 (a).

Paragraph 1 (b). Section 392 of the Code requires the Department of Labour to maintain a free consultative service for the interpretation of labour laws and regulations for the benefit of employers and employees.

Paragraph 1 (c). Section 403 of the Code provides that an inspector shall inform the employer concerned of any undesirable circumstance he observes and which is not punishable under the legislation, and shall give any appropriate technical advice.

Paragraph 2. Labour inspectors are also responsible for facilitating the application of Act No. 385 respecting workmen's compensation, but this responsibility does not interfere with the effective execution of their principal functions.

*Article 4, paragraph 1.* Labour inspection is under the central control of the Department of Labour (sections 385 and 389 of the Code), which directs the inspection service in general and the district inspectors (section 398).

*Article 5, clause (a).* The authorities have adopted methods of developing daily co-operation between the inspection services of the Departments of Social Welfare and Assistance, of Public Health, and of Labour. An example of co-operation laid down specifically is in section 36 of Regulation No. 7676, which provides that the records of salaries and wages required to be kept by employers under the social security legislation shall be used as registers for the purposes of section 153 of the Labour Code and of the provisions of Decree No. 1805.

*Clause (b).* The staff of the inspection service, the employers and workers and their organisations collaborate effectively in practice. The Department of Labour investigates any complaint made by a worker or an employer, and also maintains close collaboration with employers' and workers' organisations to ensure the application of the provisions of the Code. Section 392 of the Code requires the Department to maintain a consultative legal service.

*Article 6.* The legal status and conditions of service of staff of the Department of Labour, which includes the inspection service, assure them of employment stability irrespective of political changes.

*Article 7.* Appointments are made on the basis of aptitude for inspection work, and promotion is based on merit and seniority. Recruitment of inspectors is made through written examination to which candidates qualified in law are admitted. Practical training is given by appointing third and fourth class inspectors as assistants to first and second class inspectors in important industrial and commercial districts.

*Article 8.* Women are appointed to the inspection staff. The heads of the Women and Young Persons Section and the Intervention Section (third party intervention in industrial disputes) are women.

*Article 9.* When necessary, inspectors call upon technically qualified persons such as engineers, electricians and chemists from other government departments.

*Article 10.* Section 398 of the Code provides for the appointment in each jurisdictional district, to be created by the Secretariat of State of Labour, of one inspector with the rank of local labour representative and also assistant inspectors as necessary. There are 75 inspectors in the service of the Department, comprising one principal inspector, an inspector and an assistant inspector responsible for industrial safety and hygiene in the northern Department of Labour, and 11, 7, 17 and 37 inspectors of the first, second, third and fourth class respectively. The number of inspectors has been determined so as to meet the circumstances indicated in Article 10 and is considered by the Government to be adequate to assure the proper functioning of the service.

*Article 11.* The report describes the accommodation, equipment and allowances with which the inspectors are provided.

*Article 12.* The report quotes section 401 of the Labour Code, the terms of which are on

the whole similar to those of Article 12 of the Convention. Inspectors may request the help of the police if they encounter obstruction in the performance of their duties.

*Article 13.* In practice, the requirements of this Article are fulfilled and inspectors have the powers provided in paragraph 2. The duties of the departmental section in charge of industrial safety and hygiene include the supervision of the application of the legal provisions concerning industrial safety and health.

*Article 14.* The Secretariat of State for Social Welfare and Assistance is responsible for questions relating to industrial accidents and occupational diseases, in accordance with the provisions of the Act respecting industrial accidents.

*Article 15.* The wording of section 405 of the Labour Code is very similar to clause (a) of this Article, and the provisions of section 404 to those of clauses (b) and (c).

*Article 16.* The report states that the requirements of this Article are met in practice.

*Article 17.* The report cites section 409 of the Code which requires that the inspector's report of an infringement must be sent to both the competent court and the offender. The Department of Labour frequently recommends that inspectors act along the lines provided in paragraph 2 of Article 17.

*Article 18.* The report refers to Book VIII of the Labour Code, which concerns penalties in general. Section 678 lists the sections of the Code in respect of which contraventions are subject to penalties, and in particular those which refer to the duties of the labour inspectors. Section 679 specifies the fine or imprisonment which may be imposed. Section 224 of the Penal Code lays down penalties in the case of obstruction of inspectors in the performance of their duties.

*Article 19.* Labour inspectors make monthly reports on their activities to the central authority. An appendix to the Government's report gives statistics and a summarised description of the activities of the inspection services of the northern and southern Departments of Labour during the period 1954-55.

*Articles 20 and 21.* Section 410 of the Labour Code requires the publication of an annual report on the work of the inspection service and prescribes the inclusion in the report of the questions dealt with in clauses (b) to (e) of Article 21 of the Convention.

*Articles 22, 23 and 24.* The Labour Code applies to all economic activities and no distinction is made between industry and commerce.

*Article 25.* No declaration has been made under paragraph 1.

*Article 26.* There has been no occasion to give a decision in this matter.

*Article 27.* The Government's report states that this Article is applied. Books I, II, IV and V of the Labour Code relate to employ-

ment contracts and collective agreements and these provisions are within the supervision of the inspection service.

*Article 29.* No region of the national territory has been exempted from the application of the legislation which gives effect to the Convention.

No difficulties have been met in the practical application of the Convention as provided in sections 385 to 410 of the Labour Code, which were in effect for some time before the Convention was ratified.

#### *Finland.*

Order No. 391 of 2 October 1953 respecting boilers and pressure containers, to repeal the Ordinance of 30 December 1938.

Decision No. 33 of the Ministry of Social Affairs of 3 February 1954, respecting the regional division of the inspection of boilers and pressure containers. Act No. 197 of 6 March 1942 respecting the standardisation of the construction and inspection of boilers and pressure containers.

*Article 3 of the Convention.* The report mentions a series of ministerial decisions under which the technical safety requirements relating to boilers and pressure containers are to be enforced.

*Article 5.* A special committee was established to secure co-operation between the different authorities on matters respecting boilers and pressure containers; the Ministry of Social Affairs, the inspection authorities, the constructors, the owners, and the officials responsible for pressure containers are all represented on the committee in question. The committee is responsible for proposing additions, modifications and improvements which it considers necessary to the provisions relating to pressure containers and for carrying out investigations at the request of the Ministry of Social Affairs.

A Ministerial Circular No. 5155 of 10 June 1955, stated the methods by which the Institute for the Control of Electrical Equipment should co-operate with the Labour Inspectorate.

In addition, the Labour Inspectorate must co-operate with the workers' delegates at the workplaces and elsewhere on questions within their province. The inspectors hold conferences and arrange meetings for the purpose of giving information to delegates and employees of the workers' trade unions.

*Article 6.* The State labour inspectors have been covered by the insurance scheme for family pensions since 1952 under the same conditions as other government servants. The law gives inspectors the right to benefits in the event of accidents or occupational diseases under the same conditions as those provided by the general law respecting accidents.

*Article 7.* During the period under review two series of meetings were organised for State labour inspectors in the course of which the discussion turned on the reorganisation of the inspection of boilers and pressure containers and the means by which local labour inspection could be intensified.

*Article 20.* Since 1954 the annual reports have been published regularly during the

12 months which follow the periods which the reports cover, and they will continue to be so published in the future.

The report includes in an appendix the text of the various governmental decisions and instructions mentioned above.

#### *France.*

Order of 6 December 1954 to organise the information centre for labour inspectors and manpower.

Decree No. 54-1267 of 24 December 1954 to regulate the status of the corps of heads of centres and supervisors of external labour and manpower services.

Decree No. 55-478 of 5 May 1955 for the purpose of encouraging the conclusion of collective agreements and wages agreements.

Decree No. 55-784 of 11 June 1955 and Circular Tr. 71555 of 8 July 1955 respecting the application of Decree No. 55-478.

*Article 3 of the Convention.* The scope of the Labour Inspectorate covers collective disputes with regard to the clauses of collective agreements relating to wages and wage supplements. The Labour Inspectorate plays an important part as mediator in the procedure for solving disputes of this kind.

*Article 8.* The number of women labour inspectors is 35.

*Article 11.* Decree No. 54-1267 assigns special status to the heads of centres and supervisors of the external services for labour and manpower.

*Articles 20 and 21.* The Labour Inspectorate submits an annual report to the higher authority; these reports were suspended during hostilities. A copy will be communicated to the Director-General of the I.L.O.

#### *India.*

*Article 7 of the Convention.* The Organisation of the Chief Adviser of Factories conducts periodical training courses for junior factory inspectors. In addition, under the Colombo Plan of technical assistance, factory inspectors may go to the United Kingdom for training in factory inspection.

*Article 9.* Some of the stage governments already have a number of technical experts and specialists among their staff. Most of the states have agreed to appoint medical inspectors, but in several cases the appointment has been held up owing to financial stringency. The Organisation of the Chief Adviser of Factories (central government) includes on its staff experts and specialists on various questions and is closely associated with the work of inspection of the state inspectorates. Under the Point Four Programme, the Organisation of the Chief Adviser of Factories obtained the services of an industrial hygiene unit from the United States for a period of 18 months. With the help of the members of this unit, comprehensive surveys were conducted in certain industries with a view to formulating and developing a long-term programme for dealing with the problems of industrial hygiene and occupational diseases in industry. Within the limits of the same programme members of the staff of the inspectorate

were given the opportunity of going to the United States to be trained in the techniques of industrial hygiene surveys.

#### *Iraq.*

*Article 7 of the Convention.* The necessary further training of labour inspectors is carried out under the technical assistance programme of the I.L.O.

*Article 10.* The inspection staff includes at present 16 inspectors, i.e. three more than the previous year. A further increase is being considered in next year's budget.

*Article 16.* Inspectors are required to carry out at least 15 inspection visits per day. Daily inspection worksheets are placed at their disposal for this purpose. The number of visits carried out during the period under review was 4,319.

*Article 18.* The total number of contraventions of the provisions of the Labour Law brought before the Labour Court during the period under review was 138.

#### *Ireland.*

*Article 9 of the Convention.* The inspection staff included three officers with degrees in chemistry and experience in food production, petroleum oils and rubber technology, four engineers with degrees and experience in electrical, mechanical and civil engineering, one officer with special experience in milling, one officer with special experience in industrial relations and a number of officers with varying experience in engineering.

*Article 10.* The inspection staff as at 31 December 1954 consisted of 12 inspectors and three senior inspectors and included chemists and mechanical and electrical engineers.

#### *Italy.*

Decree of the President of the Republic No. 520 of 19 March 1955.  
Decree of 27 April 1955.

The provisions of Decree No. 520 of 19 March 1955 make changes in the structure of the inspection service and extend these changes also to the inspection services in the provinces. In response to the requests for information made to it by the Committee of Experts, the Government, in confirmation of the statements made to the Conference Committee in 1955, makes the following statement.

In the period 1946-47 eight new labour inspection offices (not including the medical inspection service) were set up, thus bringing the number to 35. In 1948, 36 new offices were created in accordance with the provisions of Legislative Decree No. 381 of 15 April 1948, and finally under Presidential Decree No. 520 of 19 March 1955 the number has been increased to 92, not counting the medical inspection service. The 17 new offices that have recently been set up are all at the provincial level. The inspection staff has more than doubled since 1945 and, if posts for which competitions are being held are included, all those provided for in Legis-

lative Decree No. 381 of 15 April 1948 can be regarded as being filled. By Presidential Decree No. 520 the number of inspectors' posts was increased by 65.

In order to speed up the movements of officials with inspection duties and to facilitate their access to workplaces which are not within reach of public transport, every labour inspection office has been given a motor car. In addition inspection offices were recently authorised to hire cars when the special requirements of the service made this necessary.

Particular care has been devoted to the vocational training of inspectors. For some years past instruction courses have been organised for newly appointed inspectors, together with refresher courses for other staff on the establishment. The main object of these latter courses is to improve supervision for the prevention of occupational accidents. The staff has also been encouraged to prepare studies and monographs on its own initiative, particularly studies on accident prevention. Technical manuals for inspectors have also been drawn up.

Finally, in order to make inspection more comprehensive, particularly in seasonal occupations where the inspectors would not be able to cover the field adequately during the peak period, a special system was introduced some years ago. This consists in sending to the offices concerned officials from other offices for special duties. These measures have enabled the checks made by the inspection service to be increased, extended and made more searching.

As regards the annual report on the work of the inspection service, the report for the year 1953 deals with the organisation of the service and the performance of its appointed duties. The report deals in particular with the following matters: (1) information and statistics on the organisation of the inspection service, including a detailed breakdown of the man-days of inspection carried out by the service; (2) the number and distribution by economic activity and geographical area of the undertakings that were inspected during the year, with an indication of the number of undertakings to which the Labour Code applies; a report and supporting documents on inspections carried out by request, as a result of information or reports sent to the service; (3) statistics of the information and reports that reached the inspection services on contraventions of the labour laws, and statistics of the measures taken against offending undertakings and of the fines paid; (4) an account of the year's work as regards supervision and the application of the laws (consultations regarding the application of labour laws, decisions taken, authorisations granted in various respects, etc.); (5) statistics on and a description of certain outstanding features of the supervision exercised and of the results achieved; (6) an account of the work done in connection with the duties entrusted to the inspection service over and above the task of supervising the application of labour laws; and (7) work of the medical inspection service (this part deals with occupational safety and health).

The report does not contain the statistics on occupational injuries mentioned in clauses (f)

and (g) of Article 21 of the Convention, since for the moment at any rate the labour inspection service is not collecting information of this type. The Government is of the opinion, however, that it will be able to comply with the requirements of these points of the Article in the near future since the Government Decree of 27 April 1955 lays down that all occupational diseases must be notified to the labour inspection service.

In 1954 the work done by the inspection service was equivalent to 209,591 man-days of inspection. Over the same period 242,515 industrial, commercial and agricultural undertakings were inspected (an increase of 32.27 per cent. over 1950). A total of 1,598,356 individual checks were made, 59.4 per cent. of them with regard to the application of the various labour laws. During the period under review 495,436 warnings and orders were transmitted to offending undertakings, 175,445 offences were reported to the authorities with a view to prosecution and 154,380 complaints and reports were received. There was a 93.9 per cent. increase over 1950 in the number of inspections with regard to occupational safety and health. The report finally includes a detailed account of the work done as part of the inspectors' duties in addition to the supervision of the application of labour laws. It shows that the number of requests for advice on the application of the labour laws rose from 260,426 in 1950 to 346,051 in 1954. This is partly due to the increase in the number of inspection offices.

The text of Presidential Decree No. 520 of 19 March 1955 is appended to the report.

#### *Japan (First Report).*

National Public Service Law No. 120 of 1947.  
Labour Standards Law No. 49 of 5 April 1947 (L.S. 1947—Jap. 3).  
Labour Standards Inspection Organisation Order (Cabinet Order No. 174 of 1947).  
Ministry of Welfare Ordinance No. 23 of 1947.  
Ministry of Labour Ordinance No. 9 of 1947.  
Ministry of Labour Establishment Law No. 162 of 1949.  
Ministry of Labour Organisation Order (Cabinet Order No. 393 of 1952).  
Ministry of Labour Order No. 36 of 1952.  
Mine Safety Law No. 70 of 1949.  
Ministry of International Trade and Industry Orders Nos. 33, 34 and 35 of 1949.  
Ministry of International Trade and Industry Establishment Law No. 275 of 1952.  
Ministry of International Trade and Industry Organisation Order (Cabinet Order No. 390 of 1952).  
Ministry of International Trade and Industry Order No. 73 of 1952.

*Articles 1 and 2 of the Convention.* A system of labour inspection based on the Labour Standards Law of 5 April 1947 is maintained in all industrial workplaces, except such undertakings as employ exclusively relatives living together in a household.

With respect to safety in mines a special system of labour inspection is carried on by the Mine Safety Law No. 70 of 1949.

There are no undertakings exempted from the application of this Convention in accordance with paragraph 2 of Article 2.

*Article 3.* The functions of the system of labour standards inspection organisation established under the provisions of Chapter XI of

the Labour Standards Law are to secure the enforcement of the Labour Standards Law and other relevant legislation relating to wages, hours of work, safety and sanitation, women and young persons, and so forth.

The Minister of Labour or the Chief of the Prefectural Labour Standards Office will provide workers and employers with informational data and other necessary assistance, for the purpose of attaining the objective of the Law. In addition to inspection work, the labour standards inspection organisation is responsible for questions concerning workmen's insurance, for promoting labour efficiency and for facilitating the welfare of workers.

The functions of the mine safety inspection organisation established under the provisions of Chapter 3 of the Mine Safety Law are to secure the enforcement of the provisions of the said Law so as to ensure the safety of mine workers. In addition, the organisation is in charge of matters concerning the protection of mineral resources, maintenance of mine equipment, prevention of damage by mining, etc. (section 15 of the Ministry of International Trade and Industry Establishment Law).

*Article 4.* A Labour Standards Bureau in the Ministry of Labour, and a labour standards office in each prefecture (46 offices in all) with 337 labour standards inspection offices under their jurisdiction, are established as labour standards inspection organisations. These organisations are placed under the direct supervision and control of the Minister of Labour.

As to the mine safety inspection organisations, a Mine Safety Bureau in the Ministry of International Trade and Industry, and mine safety inspection divisions (established in eight districts), with two branch divisions, are established and placed under the supervision and control of the Minister of International Trade and Industry.

*Article 5.* The labour inspection services maintain close contact and effective co-operation with other government services such as the Seamen's Bureau of the Ministry of Transportation, the Public Procurator's office and the police, as well as public or private institutions engaged in activities concerning such conditions of work as safety, sanitation, etc.

A Labour Standards Council and a Mine Safety Council, established as auxiliary organs of the Ministry of Labour and the Ministry of International Trade and Industry respectively, include members representing workers and employers. The councils debate on matters concerning the enforcement of relevant laws and ordinances, thus playing the role of important co-operative organisations (section 98 of the Labour Standards Law; section 45 of the Mine Safety Law).

*Article 6.* Labour standards inspectors are stationed in the labour standards inspection services and mine labour inspectors in the mine safety inspection services (section 99 of the Labour Standards Law; section 34 of the Mine Safety Law). Both types of inspectors are public officials; they are guaranteed stability of employment and are independent of changes of the cabinet and of unfair outside influences.



Moreover, in order to dismiss a labour standard inspector, the competent Minister must obtain the assent of the Council for the Status of Labour Standards Inspectors, in accordance with section 99 of the Labour Standards Law.

*Article 7.* Labour standards inspectors are appointed in principle from among the successful candidates who have passed the examination for the qualifications for the labour standards inspectors (section 10 of the Labour Standards Inspection Organisation Order); and mine safety inspectors are appointed from among the staff members of the Ministry of International Trade and Industry, the qualifications necessary for the performance of their duties being particularly taken into account. In each case, the inspectors are appointed according to the National Public Service Law which regulates the appointment of public officials.

Labour standards inspectors and mine safety inspectors are adequately trained for the performance of their duties at the Labour Standards Inspectors Training Institute in the Ministry of Labour and at the Mine Safety Inspectors Training Institute in the Ministry of International Trade and Industry (sections 11 and 12-2 of the Ministry of Labour Establishment Law; section 52 of the Mine Safety Law).

*Article 8.* Both men and women are eligible for appointment to the inspection staff, and the performance of duties concerning the protection of women and young persons is mostly assigned to women inspectors of labour standards, who carry out their duties efficiently.

*Article 9.* Technical experts and specialists in medicine, electricity, engineering, building and construction, chemistry and mining are appointed as labour standards inspectors and mine safety inspectors, and, in addition, an Industrial Safety Institute established as an auxiliary organ of the Ministry of Labour conducts the investigation and study of accident prevention in factories and other industrial establishments (sections 11 and 12 of the Ministry of Labour Establishment Law).

*Article 10.* The number of labour standards inspectors and mine safety inspectors is determined with due regard to the provisions under each paragraph of Article 10 of the Convention. At the end of June 1955 the number of labour standards inspectors including technical experts and specialists was 2,344 and that of mine safety inspectors was 201.

*Article 11.* The local offices for the labour standards inspectors are as follows: prefectural labour standards offices, labour standards inspection offices, mine safety inspection divisions and branch divisions. These offices are suitably equipped and staffed with employees to assist the performance of the inspectors' duties. They are also accessible to all persons concerned. Travelling and incidental expenses which may be necessary for the execution of the duties of inspectors are reimbursed to them in accordance with the same standards as apply to public officials.

*Article 12.* The report of the Government refers to the provisions of sections 101 and 106

of the Labour Standards Law, which concern the authority of labour inspectors and the obligation for the employer to inform the workers of the gist of the Law. The report also refers to the provisions of section 35 of the Mine Safety Law, which concern the powers of the mine safety inspector.

The report states that the labour standards inspector and mine safety inspector, when enforcing the above-mentioned provisions (section 101, paragraph 4, of the Labour Standards Law; section 35, paragraph 2, of the Mine Safety Law) shall carry an identity card; on their arrival at the workplace the inspectors must notify the employer or his representative of the object of their visit.

*Article 13.* The report refers to the provisions of sections 55 and 103 of the Labour Standards Law, which concern the authority given to labour inspectors to order action to be taken with a view to preventing accidents or avoiding injury to the health of workers if the workplaces and general equipment of the establishments violate safety and sanitation standards.

Sections 25 and 26 of the Mine Safety Law also prescribe, in the same way as the provisions of the Labour Standards Law, that inspectors shall be empowered to exercise the authority listed under Article 13, paragraph 2, of the Convention.

*Article 14.* With respect to industrial accidents and cases of occupational disease, the employer is required to notify them to the competent Chief of the Labour Standards Inspection Office, under section 58 of the Ordinance on Labour Safety and Sanitation and under section 57 of the Enforcement Ordinance of Labour Standards Law. With respect to accidents in mines, the owner of the mining right is required to notify them to the competent Chief of the Mine Safety Inspection Division, under section 62 of the Metal Mine and Others Safety Regulations, section 68 of the Coal Mine Safety Regulations and section 62 of the Petroleum Mine Safety Regulations.

*Article 15.* The Labour Standards Inspector and the Mine Safety Inspector are prohibited from having any direct interest in the undertakings under their supervision, under sections 103 and 104 of the National Public Service Law. They are bound not to reveal, even after leaving the service, any secrets which may have come to their knowledge in the course of their duties, under the provisions of section 100 of the National Public Service Law, and, in case of violation thereof, they may be sentenced to penal servitude of one year or less, or fined 30,000 yens or less, under the provisions of section 109 of the Law in question. A strict directive is given to the labour inspectors to the effect that they shall treat as absolutely confidential the source of any complaint brought to their notice.

*Article 16.* All the workplaces covered by the inspection programmes adopted by the Ministries of Labour and of International Trade and Industry are inspected.

*Article 17.* Persons who contravene the provisions of the Labour Standards Law or of the

Mine Safety Law are liable to prompt legal proceedings. Labour standards inspectors and mine safety inspectors are authorised to exercise the right of a judicial police officer as stipulated in the Criminal Procedure Law, under section 102 of the Labour Standards Law and under section 37 of the Mine Safety Law respectively.

*Article 18.* Contraventions of the provisions of the Labour Standards Law and the Mine Safety Law, and actions to obstruct labour inspectors in their work are subject to the penalties provided under sections 117 to 121 of the Labour Standards Law and sections 55 to 58 of the Mine Safety Law.

*Article 19.* The Chief of the Prefectural Labour Standards Office is required to submit to the Director of the Labour Standards Bureau of the Ministry of Labour a monthly report, in accordance with the report form drawn up by the latter, on the results of the inspection activities of the labour standards inspection offices under the former's jurisdiction. The Chief of the Mine Safety Division is also required to submit similar periodical reports to the Director of the Mine Safety Bureau of the Ministry of International Trade and Industry.

*Articles 20 and 21.* The Labour Standards Bureau of the Ministry of Labour publishes in the course of the following year an annual general report on the work of the inspection services carried out during the period between January and December each year. All the items listed under Article 21 of the Convention are dealt with in this annual general report.

*Articles 22 to 24.* In so far as the Labour Standards Law is applicable to commercial workplaces, a system of labour inspection is maintained in such workplaces by the labour standards inspection services as in the case of industrial workplaces.

*Article 26.* There has been no case of dispute concerning the scope of the Convention.

*Article 29.* There are no areas exempted under the provisions of this Article from the application of the Convention.

No practical difficulties have been encountered in the application of the Convention.

#### *Netherlands.*

*Article 10 of the Convention.* In December 1954 the labour inspection service had a staff of 428 officials, or five more than in the previous year. Of this number 103 officials were attached to the central service, 300 to district offices and 25 to the harbour inspection service.

*Article 16.* In 1954 the labour inspectors carried out 163,515 visits to undertakings. In addition 79,965 visits of supervision were made by the national police and 50,401 by the municipal police.

The report states that in 1954 the labour inspection service received 2,888 complaints with regard to the observance of the different laws and regulations; the report also gives a detailed table of the cases which were dealt with.

#### *Pakistan (First Report).*

Workmen's Compensation Act, 1923 (L.S. 1923—Ind. 1).  
Mines Act, 1923 (L.S. 1923—Ind. 3).  
Act No. XIV of 1930 further to amend the Indian Railways Act, 1890 (L.S. 1930—Ind. 1).  
Dock Labourers Act, 1934 (L.S. 1934—Ind. 1).  
Factories (Consolidation) Act, 1934 (L.S. 1934—Ind. 2).  
Payment of Wages Act, 1936 (L.S. 1936—Ind. 1).  
Employment of Children Act, 1938.  
Mines Maternity Benefit Act, 1941.

*Articles 1 and 2 of the Convention.* In application of the above laws, which relate to conditions of work and protection of workers, a system of labour inspection in industrial workplaces is being maintained; the system extends to mining undertakings and also covers those workshops in connection with transport undertakings which come under the Factories (Consolidation) Act, 1934 and the Railway Servants' Hours of Employment Rules, 1931.

*Article 3.* The functions of the inspectors are primarily the same as those provided under Article 3 of the Convention. There is nothing to prevent inspectors supplying technical information, advising employers and workers on the efficient means of complying with the legal provisions and bringing out defects in the existing legal provisions. No additional duties have been entrusted to labour inspectors during the period under review. Such additional duties should not interfere with the effective discharge of their primary duties or prejudice their authority and impartiality.

*Article 4.* Under the Constitution both the central and provincial governments are empowered to make labour laws. The enforcement of laws framed by the provincial governments is the responsibility of the respective provincial governments. In the case of Acts drawn up by the central government, their enforcement is in most cases partly the responsibility of the central government and partly that of the provincial governments. The central government is responsible for their enforcement in central government undertakings, while the provincial governments are responsible for their enforcement in the provincial sphere.

*Article 5.* The Government has recently decided to hold periodical conferences of factory inspectors appointed by governments and engineers and medical officers employed by industry. Inspectors often hold consultations with the individual employers and trade union officials and co-operate with other bodies engaged in related activities.

*Article 6.* Every chief inspector and inspector is a public servant within the meaning of the Pakistan Penal Code and is independent of any changes in the government and of any improper external influences.

*Article 7.* Labour inspectors (non-gazetted) under the central government are recruited by means of a departmental selection board which advertises vacancies and calls for applications from candidates having at least a university degree in economics and preferably a degree in law. The gazetted posts of inspectors are filled directly by means of the Pakistan Pub-

lic Service Commission. The initial qualifications for them are a university degree in mechanical or electrical engineering or chemistry.

The selected candidates, unless they are already trained and experienced, are given training both in field and in office work before they are placed in charge of a section. Similar standards of recruitment of the inspection staff are observed by the provincial governments.

*Article 8.* There is no bar against the employment of women inspection staff. However, no woman officer is at present working on the inspection staff.

*Article 9.* The factory inspectors, in view of the qualifications laid down for them, are considered competent to enforce the legal provisions relating to health and safety. The question of appointment of Chief Adviser (Factories) and Medical Officer (Factories) is at present being considered by the Government.

*Article 10.* Data in respect of the strength of the inspection staff are not available. However, the Government of Pakistan has recently decided to augment the existing inspection staff. A proposal for building up a regular factories inspection service on an all-Pakistan basis is at present being examined.

*Article 11.* Labour inspectors are provided with office equipment and transport facilities in accordance with the requirements of their service and are reimbursed any travelling and incidental expenses which may be necessary for the performance of their duties.

*Articles 12 and 13.* These provisions are covered by: section 11 and other sections of Chapter III of the Factories (Consolidation) Act, 1934; section 19 of the Mines Act, 1923; section 4 of the Dock Labourers Act, 1934; and section 14 (4) of the Payment of Wages Act, 1936.

*Article 14.* Employers are required to notify accidents under section 30 of the Factories (Consolidation) Act, 1934, section 20 of the Mines Act, 1923, and regulation 12 of the Pakistan Dock Labourers Regulations, 1948.

As regards occupational diseases, the worker has to notify them under section 10 of the Workmen's Compensation Act, 1923, if he intends to prefer a claim.

*Article 15.* The provisions of this Article are covered by section 10 (3) of the Factories (Consolidation) Act, 1934 and section 9 of the Mines Act, 1923.

*Article 16.* The labour inspectors of the central government draw up their own monthly programmes of inspection, which keep them away from their headquarters for about 20 days in a month. They visit on an average 20 railway establishments and one or two other central government undertakings. They inspect and examine the relevant documents showing the hours of work and periods of rest of railway employees, and ascertain by personal inquiries whether the provisions of the Railway Servants' Hours of Employment Rules are properly observed. They also ascertain whether or

not wage payments are made on due dates without illegal deductions and whether children under 15 years of age are employed. They examine and advise on the labour welfare measures introduced or which the management proposes to introduce. The provincial governments have their own inspection staffs which do similar work.

*Articles 17 and 18.* Penalties for contravention of or neglect to observe legal provisions are provided in Chapter VI of the Factories (Consolidation) Act, 1934; Chapter VIII of the Mines Act, 1923; section 20 of the Payment of Wages Act, 1936; section 18 A of the Workmen's Compensation Act, 1923; and section 10 of the Dock Labourers Act, 1934.

*Article 19.* The inspecting staff submit fortnightly and monthly reports to the Central Labour Commissioner who, in turn, submits his report to the Government through the Ministry of Labour. The provincial labour inspectors submit periodical reports to higher authorities.

*Articles 20 and 21.* Annual reports on the working of various Acts such as the Factories Act, the Payment of Wages Act, the Mines Act, the Workmen's Compensation Act, etc., are published by the Government. They contain, *inter alia*, an account of the work of the inspection services. The provincial governments also prepare reports on the working of labour laws.

*Articles 22 to 25.* A system of labour inspection is maintained by each provincial government in shops and commercial establishments on the lines indicated in Article 24 of the Convention, by virtue of the following provincial Acts: East Bengal Shops and Establishments Act, 1951; Punjab Trade Employees Act, 1940; Sind Shops and Establishments Act, 1940; and N.W.F.P. Trade Employees Act, 1947.

*Article 26.* No case necessitating any such decision has come to the notice of the Government during the period under review.

*Article 29.* The Convention is in force throughout Pakistan.

#### Sweden.

Notification No. 631 of 8 October 1954 respecting the reporting of occupational injuries.

*Article 13, paragraph 1, of the Convention.* The Workers' Protection Board, after a series of discussions on the question of conforming with the orders of labour inspectors, issued certain instructions regarding, *inter alia*, the labour inspectors' reports of orders and prohibitions made under section 53 of the Workers' Protection Act.

*Article 14.* The Notification No. 631 of 8 October 1954 respecting the reporting of occupational injuries replaced the former provisions as from 1 January 1955. According to the new provisions, injuries compulsorily covered by the Occupational Injuries Insurance Act, with the exception of certain minor injuries, are to be reported immediately in prescribed form, as a rule in duplicate, by the employer or manager to the general sickness fund with which the injured person is insured. The fund makes

arrangements for the provision of additional information if necessary. Where the report is made in duplicate the fund must send one copy to the labour inspector concerned or, in case of injury during employment on board ship, to the Board of Trade.

The labour inspector may require that a police investigation of an accident be made; the results of this inquiry must be reported.

#### Switzerland.

*Article 7 of the Convention.* A refresher course was held in September 1954 for the staff of the federal Factories Inspectorate.

*Article 9.* A second doctor has been appointed to the Industrial Medical Service.

*Article 10.* At the beginning of 1955 a substitute, chosen from among the assistants, was appointed for each of the four federal factory inspectors.

*Article 21.* The report draws attention to the offprint of *La Vie économique* (January 1955) and the passages of the report of the Swiss National Accident Insurance Fund for 1954, which include some of the details which are to be included in the annual report of the central inspection authority.

Copies of these publications, together with a record of the proceedings of the course referred to above under Article 7, are appended to the report.

#### Turkey.

In reply to the observation made by the Committee of Experts, the report gives the following information.

*Article 13 of the Convention.* It is hoped that work on the labour inspection regulations will be completed in the near future.

*Article 14.* Under an Order issued by the Ministry of Labour, the Workers' Insurance Institution, which is a semi-autonomous body attached to the Ministry, is required to report every three months to the central inspection service on its activities including, *inter alia*, any cases of industrial accidents and occupational diseases.

*Articles 20 and 21.* See under Article 13.

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

*Norway, United Kingdom.*

### 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 . . . . .	27. 1. 1955
France. . . . .	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
Ireland . . . . .	4. 6. 1955
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 <sup>1</sup> . . . . .	27. 6. 1949
Uruguay . . . . .	18. 3. 1954

<sup>1</sup> In respect of Great Britain.

#### *Austria.*

*Article 2 of the Convention.* Employers and workers have the right to establish organisations of their own choosing and to join them without any restriction and without previous authorisation from the Government. When it is proposed to establish an association the authorities must be notified by persons who enjoy full legal competence, but without reference to their nationality.

*Article 6.* The right to establish associations freely is guaranteed by the Constitution. Any infringement of this right may be the object of an appeal to the Constitutional Court. The dissolution of sections and of federations is governed by the same provisions as those which govern the associations.

*Article 9.* The status of members of the armed forces will be defined by a special Act which has not yet been promulgated.

#### *Belgium.*

A new trade union statute (Royal Order of 20 June 1955) has recently been enacted which will benefit government officials. The report supplies details with regard to the scope of this statute.

In so far as "approval" of trade union organisations is concerned, the report states that the former statute (of 1949), after having established a system founded rather on the recognition than on the approval of the trade union organisations, sanctioned a system based on the principle of recognition, without further

regard to this distinction. The trade union organisations which were previously "recognised" will now be considered to be approved. The approval covers only the conditions under which the trade union organisations may function within government departments; the organisations remain free and independent as regards their activities and their organisation outside the Administration.

The report indicates the conditions for obtaining general approval and adds that the new statute defines the conditions under which approval may be withdrawn and gives solemn guarantees on this point to the trade union organisations, i.e. the prior opinion of the advisory trade union committee is required except in cases where the withdrawal is made because the trade union organisations have not fulfilled the relevant obligations.

Further, the new provisions of the statute of 1955 cover the following items in particular: extension to semi-governmental bodies of the scheme for establishing advisory trade union committees; the formal guarantees given to the administrative authorities, to the staff and to the trade union organisations on the functioning of those committees; a general increase in the powers granted to advisory trade union bodies and a more exact definition of their respective functions.

The accredited trade union delegate, who is the regular and permanent representative of the staff, cannot, as formerly, if he is a public servant covered by the statute, continue to work in his particular service. He will remain on the active list and will be placed on special leave (under the statute of 1949 he was attached to the trade union). In this way, he retains the advantages attached to the normal position of an active official, continues to hold his post, and is capable of promotion (section 40, paragraphs 2 and 3).

An order of the Council of State, dated 12 October 1954, ruled that the ministerial decision by which, when the withdrawal of approval of a trade union organisation has been noted, the functioning of trade union representation within a department is suspended, was a decision which could be repealed. The withdrawal of the approval of an organisation cannot result in suspending the functioning of the advisory trade union bodies or in depriving the officials of the guarantees which have been granted them.

#### *Cuba.*

Decrees Nos. 2605 of 1933 and 65 of 1934, under which officials and employees of the

State are prohibited from forming associations, were issued during a period of revolutionary agitation. Nevertheless the National Confederation of Public Employees was subsequently set up. In practice, employees of the State form associations for the defence of their common interests, but they do not constitute professional organisations registered with the Ministry of Labour under Decree No. 2605 of 1933. The Civil Service Act and the Constitution of 1940 (chapter relating to official posts) gives public employees a special status. Although these decrees have not been applied in practice, the Government states that if the Committee of Experts considers these provisions incompatible with those of the Convention an Act of Congress will be required for their annulment.

It is difficult to define precisely the doctrine of "political activities", which has not affected the development of workers' organisations. As individuals the members of an organisation are free to join any political party and to carry out propaganda to recruit new members. The regulations in question would serve the purpose of preventing trade unions from becoming political parties whereas they must defend the collective interest of their members without discussion of their political opinion.

Resolution No. 838 of 1945 (prohibiting similar unions in the same undertaking) was issued at the request of the organised workers' movement, which is tending towards unification in a central union. If the employer were allowed to set up a union in his undertaking when another already exists, the power of the trade union movement would be weakened. The resolution endorses the idea put forward by the workers' organisations that the establishment of a new union within an undertaking should not be allowed when another already exists, though this does not prevent the workers from joining a number of trade unions.

The presence of an official at trade union meetings which is provided for by section XV of Decree No. 2605 is intended to facilitate the establishment of the facts of the case should any conflict arise amongst the members of the same organisation and in view of the limited value of testimonial evidence.

Trade unions have an absolutely unrestricted right to affiliate with international organisations. Section VII of Decree No. 2605 states the principle that leaders are to be freely elected, that a union is to manage its own affairs and that it is to be free to draw up programmes for the defence of the common interests of its membership. Under section XII of the same decree only organisations that meet with the necessary requirements may be regarded as having been legally established.

#### France.

Bill No. 7716, which was mentioned in the Government's previous report and which was intended to strengthen 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, was adopted by the National Assembly and, after amendment, by the Council of the Republic on 8 November 1955.

#### Mexico.

The report refers to article 133 of the National Constitution under which ratified Conventions are incorporated in the legislation of the country. The report also contains information on a judgment given by the Supreme Court, by which certain provisions of ordinary and commercial law are held not to be applicable to trade unions, which are consequently legally entitled to appeal when the constitutional rights of their members are infringed.

#### Pakistan.

In connection with the information requested by the Committee of Experts, the Government refers to the information which was supplied to the Conference Committee and to the complaints from a number of organisations of government employees concerning the dismissal or victimisation of their members.

The complaint of the Pakistan Mint Muzamin was investigated by the Enquiry Committee, which found that the said union had no *locus standi* in respect of six of the dismissed workers, as these did not belong to the union when they were removed. The Committee brought about a settlement under which the union withdrew its complaint in regard to three of the other dismissed workers, while the management reinstated 13 workers.

In the case of the Pakistan Telegraph Association, investigation by the Deputy Central Labour Commissioner resulted in reinstatement of five out of eight workers. In respect of the remaining three it was found that they had engaged in criminal conspiracy and their cases are now pending in court.

The notices of discharge served on five workers for being members of the Civil Defence Organisation were cancelled after investigation showed that the threatened dismissal was in contravention of Convention No. 87.

With respect to the complaint of the Karachi Airport Workers' Union, it was also found that 20 workers were dismissed for trade union membership; the matter has been brought to the notice of the Ministry of Defence for its consideration.

The complaints of the C.O.D. Workers' Union (Rawalpindi) and the C.O.D. Workers' Union (Drigh Road-Karachi) are at present under examination and information on the outcome will be given in due course.

The Government states that it has firmly decided to prevent any violation of trade union rights.

The report also refers to the recent "labour policy" approved by the Government which lays down, *inter alia*, that it should be ensured that no worker is victimised for genuine trade union activities.

#### Philippines (First Report).

Commonwealth Act No. 213 of 21 November 1936. Act No. 875 of 17 June 1953, to promote industrial peace and for other purposes.

The Bill of Rights in the Constitution of the Philippines provides that "the right to form associations or societies for purposes not contrary to law shall not be abridged". By virtue

of this constitutional guarantee, both workers and employers have the right to establish and join organisations of their own choosing without previous authorisation. Any public officer or employee who hinders any person in the exercise of this right is liable to punishment under the Revised Penal Code and to the payment of damages under article 31 of the Civil Code.

Section 3 of Act No. 875, commonly known as the Magna Carta of Labour, provides that "employees shall have the right to self-organisation and to form, join or assist labour organisations of their own choosing . . . and to engage in concerted activities for the purpose of collective bargaining and other mutual aid or protection". However, supervisors are not eligible for membership in a labour organisation of employees under their supervision but may form separate organisations of their own. Government employees may not also join organisations which impose on their members the obligation to strike or join in a strike against the Government.

Labour organisations may be registered in the Department of Labour as legitimate labour organisations for the purpose of enjoying certain rights and privileges, including the acquisition of legal personality, the right to bargain collectively on behalf of their members and the right to be certified as the exclusive collective bargaining agents of all the employees in a collective bargaining unit when properly designated by the majority of the employees. Before the enactment of Act No. 875, the law which governed labour organisations was Commonwealth Act No. 213. Under both Acts, however, registration is optional on the part of labour organisations.

A labour organisation, association or union of workers duly organised for the material, intellectual and moral well-being of its members acquires legal personality and becomes entitled to all the rights and privileges granted by law to legitimate labour organisations within 30 days of filing with the office of the Secretary of Labour notice of its due organisation and existence and the following documents, together with the amount of five pesos as registration fee: (1) a copy of its constitution and by-laws, together with a list of all its officers, their addresses and its principal office address; (2) a sworn statement of all the officers of the organisation to the effect that they are not members of the Communist Party or of any organisation which teaches the overthrow of the Government by force or by any illegal or unconstitutional method; and (3) if the organisation has been in existence for one or more years, a copy of its last annual financial report.

In the event, however, that the Department of Labour believes that an organisation does not meet the requirements of registration, the Department shall, after ten days' notice to the organisation and within 30 days of receipt of the above-mentioned documents, hold a public hearing at which the organisation shall have the right to be represented by attorney and to cross-examine witnesses. The hearing must be terminated within 30 days, and if the Department rules that the organisation is not entitled to registration, the Department must specific-

ally state the data which the applicant has failed to submit as a prerequisite to registration.

The registration and permit of a legitimate labour organisation may be cancelled if the Department of Labour has reason to believe that it no longer meets one or more of the requirements of registration or fails to file with the Department within the prescribed period its financial report or the names of its newly elected officers, together with their affidavits of non-membership in a subversive organisation.

The Department of Labour shall automatically cancel or refuse the registration of a labour organisation finally declared under sections 5 and 6 of Act No. 875 to be a company union. The restoration or granting of registration shall take place only after the Court of Industrial Relations declares on petition of the said organisation that remedial action has been taken and that sufficient time has elapsed to counteract the unfair labour practice which resulted in the company union status.

Up to 30 September 1955 the Department of Labour has registered 1,562 labour organisations. A total of 738 applications have not been acted upon because the papers were not in order. A total of 127 registrations have been cancelled for failure of the organisations concerned to comply with the requirements for the continuance of a registered status. Although judicial appeal was available to them none so far has resorted to it. The unions concerned must have been dissolved voluntarily or the members joined other unions.

Under the constitutional guarantee of freedom of association quoted above, workers' and employers' organisations have the right to draw up their constitutions and rules, to elect their officers and representatives, to formulate their programmes, to organise their administration and activities and to join local and international federations or confederations. The Government or public authority concerned cannot interfere with or restrain the lawful exercise of such right, as well as dissolve or suspend such organisations by administrative action.

By registering with the Department of Labour as a legitimate labour organisation, an organisation acquires legal personality, among other rights and privileges. The regulations concerning the registration of labour organisations have been summarised above. As previously noted, the refusal of registration is subject to judicial appeal.

There has only been one case of judicial appeal against refusal of registration but this was still under Commonwealth Act No. 213. This was the case of *Umali v. Lovina*, G.R. No. L-2771, 29 August 1950, in which the Secretary of Labour, in order to avoid a multiplicity of unions, denied the registration of a union on the ground that its members were employed in an establishment where there was already a registered union. The Supreme Court held that such refusal was not lawful and ordered the Secretary of Labour to register the applicant organisation, saying that he "has neglected the performance of an act which the law specifically enjoins him to perform, and that such neglect unlawfully ex-



cludes the petitioner's union from the use and enjoyment of a right to which it is entitled". This still is the situation under Act No. 875.

#### Sweden.

The Federation of Swedish Towns has concluded agreements similar to those mentioned

in the preceding report with the Swedish Confederation of Employees' Trade Unions (autumn 1954) and with the Swedish Confederation of University Graduates (beginning of 1955).

Furthermore, the Government appends the text (in Swedish) of a judgment rendered by a labour court on a question of freedom of association.

### 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
Greece . . . . .	16. 6. 1955
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.

The Commonwealth Employment Service now comprises 119 local employment offices assisted by 340 agents in rural areas. The number of fresh applications made during the period was 526,474. The number of persons referred to employers was 441,598 and the number placed in employment 310,063 (this figure includes 13,837 migrants placed in their first employment after entry into Australia). The number of new vacancies notified to the service was 471,971.

A Ministry of Labour Advisory Council was appointed in October 1954. It includes members drawn from the most widely representative bodies of employers and the body representative of the great majority of workers (appointed after full consultation with the organisations concerned), as well as representatives of the rural industries and the major public utilities. The Minister for Labour and National Service is Chairman. The functions of the Council are to consult with the Minister and through him to advise the Government in relation to employment, industrial relations, employee welfare and related industrial and economic matters, and to advise the Department of Labour and National Service in relation to matters within its administration. The Council meets regularly at quarterly intervals. At each meeting the council has before it a detailed departmental report on current employ-

ment trends and, wherever appropriate, is invited to submit advice as to the policy which might be pursued by the employment service. The council has already submitted recommendations on two matters of employment service administration—the employment of older workers and of the physically handicapped—and is currently examining seasonal labour problems under conditions of full employment and the problems arising out of a shortage of skilled tradesmen in the metal and electrical trades.

#### Belgium (First Report).

Order of the Regent of 26 May 1945 to set up the provisional fund for the maintenance of involuntarily unemployed persons (L.S. 1945—Bel. 1A), as amended several times, the latest occasion being by the Royal Order of 26 September 1953 (to establish the National Placement and Unemployment Office).

Act of 6 March 1953 to approve international Convention No. 88 concerning the organisation of the employment service.

*Articles 1 and 2 of the Convention.* The duties of the public employment service are discharged partly by the Manpower Directorate, which is attached to the Ministry of Labour and Social Welfare, and partly by the National Placement and Unemployment Office (O.N.P.C.), a public body which operates within the framework of the social security scheme. The chief task of the public employment service formed by these two bodies is to promote and maintain full employment by planning the utilisation and distribution of manpower in the light of the needs of the national economy, by maintaining liaison with the public and private bodies concerned with manpower questions, and by studying the problems dealt with by the manpower committees set up by the various international organisations. The O.N.P.C. is responsible for operating and administering the regional and local placement offices which are in turn responsible for the placement, recruitment and rehabilitation of labour, and which supervise the enforcement of the regulations dealing with the payment of benefit to the unemployed.

*Article 3.* The areas covered by the regional offices of the O.N.P.C. take account of administrative and linguistic boundaries. In addition to the placement facilities provided by each regional office, there are also in each area a certain number of local placement offices which are set up where justified by the size of the working population and the transport facilities available. The structure of the ser-



vice is reviewed in the light of the unemployment and placement statistics or of any difficulties that may be encountered.

*Article 4.* Collaboration between representatives of the employers and workers, who are appointed in equal numbers in consultation with representative employers' and workers' organisations, is achieved on the National Committee for the Placement and Vocational Protection of Young Workers and on various advisory committees which are listed in the report.

*Article 5.* As the employers' and workers' organisations are represented on these committees (and particularly on the joint committees set up to advise the regional placement offices) they are fully consulted over all problems connected with employment and placement.

*Article 6.* The activities of the placement offices consist in the main of the registration of job applications and job vacancies, together with the placement and vocational rehabilitation of the unemployed. These activities are described in detail in the monograph on the employment service which was transmitted to the I.L.O. in 1950.

The report gives detailed information on the equalisation of supply and demand in employment as between one office and another; this equalisation may be regional (i.e. a vacancy may be notified by one placement service to the service in a neighbouring region); it may be direct (i.e. through direct contact between placement services in widely separated parts of the country); or it may be national (i.e. vacancies may be notified to all the placement services in the country through the Placement Directorate in cases where regional or direct equalisation has been found to be impossible; details of these vacancies are published in the *Bulletin de la compensation nationale* which is circulated to all placement services in the country).

Under the Order setting up the National Placement and Unemployment Office (O.N.P.C.) the unemployed may, with the approval of that Office, be given either individual or group training for employment in another occupation where a labour shortage has developed.

Any person seeking work can obtain information at once from the employment services on the prospects of work in other parts of the country. In addition, properly registered unemployed are entitled to travel by rail at quarter fare. In order to facilitate temporary transfers of manpower the employment service endeavours to arrange special transport and housing facilities.

Information about the availability of manpower and the exchange of workers is given through the machinery of the Western European Union. Working through the Tripartite Committee on Foreign Labour, the Manpower Directorate tries to plan foreign immigration in the interest of the foreign workers themselves as well as in that of the national economy.

Information on the employment market is provided to the official bodies concerned, employers' organisations, job applicants, trade

unions and the community as a whole, by means of the press, radio, the monthly bulletin of the O.N.P.C., and various surveys and studies carried out and published by that body. The Manpower Directorate, for its part, compiles an annual manpower budget which, however, is not official in character.

The Director-General of the O.N.P.C. and the managers of the regional offices are responsible for both the placement and the unemployment services. In addition, the O.N.P.C. studies, in collaboration with the Manpower Directorate, the principles underlying the regulations designed to give workers enough income to maintain a minimum standard of living, to enforce existing regulations, to supervise the expenditure of the bodies that pay out benefits, to eliminate abuses and to achieve a balance in the unemployment insurance fund. The O.N.P.C. and the various insurance and social welfare bodies, particularly the National Sickness and Invalidity Insurance Fund and the Public Assistance Boards, are constantly in touch with each other.

Every effort is made to achieve a similar degree of co-ordination with the other government departments concerned with training and vocational rehabilitation and with working class housing. In addition, the O.N.P.C. attempts to associate itself with studies of the best ways and means of reducing or eliminating unemployment or of increasing the mobility of labour.

*Article 7.* The report refers to the monograph mentioned under Article 6 (Chapters 31, 32, 33, 34 and 36).

*Article 8.* A service for the placement and vocational protection of young workers operates as part of the Placement Directorate of the O.N.P.C.; it also operates regionally and locally through specialised departments of the regional and local offices. It works in close contact with the approved vocational guidance offices and the apprenticeship secretariats.

*Article 9.* The staff of the employment service is made up of (a) the staff of the Manpower Directorate of the Ministry of Labour and Social Welfare, who rank as civil servants; and (b) the staff of the O.N.P.C., who are given contracts of employment but are practically independent of any change of government and of any undue external influences.

The employees of the O.N.P.C., like those of the Manpower Directorate, must meet certain standards in order to sit for the entrance examinations, which are designed to test their mental powers and the extent of their education. The successful candidate, after a probationary period, takes a final entrance examination, the main purpose of which is to assess his knowledge of administration or his aptitude for the work.

The Placement Directorate of the O.N.P.C. carries out the training of its own placement officials. Fully trained members of the staff are given an opportunity of keeping their knowledge up to date by means of lectures, etc., arranged by the organisation. In addition, further training is given through the issue of detailed instructions.

The staff of the Manpower Directorate are given appropriate instructions and documentary material immediately on entering the service. Their grasp of legislation and administrative and other regulations is judged by their superiors on the basis of their day-to-day work.

*Article 10.* A special "propaganda and publicity department" has been set up by the O.N.P.C. to encourage the full and voluntary use of the employment service, particularly in respect of the placement and vocational rehabilitation of mineworkers, farm labourers, catering trade workers, salaried employees and young workers. To this end it makes use of the press, radio, posters, films and lectures, and participates in industrial and commercial fairs; in addition, it distributes posters, pamphlets and articles to various employers' and workers' organisations. Lastly, the placement service maintains contact with government departments or subsidised bodies which inform it of vacancies so that any of the unemployed who are interested can sit for the competitions or other examinations for admission to such bodies.

*Article 11.* Private employment agencies which are approved and subsidised by the State are subject to permanent supervision and must comply with the following regulations: the O.N.P.C. must be supplied with monthly returns of the number of persons placed in employment; the public regional placement offices must be informed at the time of any cases in which work is refused by applicants in receipt of unemployment benefit; they must also be informed of any vacancies notified by the employers which cannot be filled; and the inspectors of the O.N.P.C. must be shown documentary evidence of the placements which have been made.

The Minister of Labour and Social Welfare is responsible for applying and enforcing the legislation relating to employment, while the execution of the law is in the hands of the Administrative Board of the O.N.P.C.

Liaison between the Ministry of Labour and the O.N.P.C. is achieved by giving a seat on the Administrative Board of the latter to a representative of the Minister.

The O.N.P.C. has 29 regional and 44 local placement offices. Between July 1954 and June 1955, 276,464 vacancies of the 348,427 that were notified to the O.N.P.C. were filled.

#### Canada.

Local needs and the operating facilities of employment offices are under constant review by means of a study of operational and statistical information, and periodical personal inspection visits.

As the result of the survey organised by the National Employment Advisory Committee, the regional and local employment committees have contributed to a nation-wide campaign to reduce seasonal unemployment to a minimum. Sixty-two local committees and approximately 100 *ad hoc* committees were formed in other local office areas. The function of the *ad hoc* committees is confined to the study of local

seasonal unemployment and the promotion of steps to prevent it. This question has received widespread publicity since the survey on the subject was organised by the national committee in the preceding year. Other matters which are being dealt with at present by the national committee are the employment of older workers, area unemployment, and unemployment in specific industries.

Special facilities have been provided to meet the labour requirements of the two major construction projects and to minimise individual hardship resulting from the ill-advised movement of large numbers of unqualified workers to these projects.

The training of employment service staff is subject to continual review and development with the object of improving the qualifications and effectiveness of the staff concerned.

The organisation of the *ad hoc* committees referred to above has been of appreciable assistance in furthering the objectives of Article 10 of the Convention.

The Government appends to its report extracts from the Unemployment Insurance Commission's annual report for the fiscal year ending 31 March 1955. These extracts provide information regarding the movement of workers, services to specialised occupations and industries and to special classes of workers, the dissemination of information, the operation of committees, co-operation with other governments and agencies, etc.

#### Cuba.

Legislative Decree No. 2116 of 27 January 1955.

The free public employment offices keep an unemployment register and require the unemployed person's registration card when he finds employment but, in practice, the employment exchanges are not used as placing agencies.

The setting up of an employment service directorate is among the measures taken to give effect to Article 2 of the Convention. The technical organisation of this directorate will be carried out on the lines suggested by the International Labour Office expert, within the framework of the technical assistance programme.

The municipalities, who are allowed autonomous authority by the executive power, decide on the places in which employment offices are to be set up, due account being taken of the policy followed up to the present, namely to set up these offices in centres where there is considerable recruitment of workers.

Although no advisory committees have been set up, the employment exchanges for the construction industry are very active and operate satisfactorily.

The report contains in an appendix the text of Legislative Decree No. 2116 of 27 January 1955 which, among other things, deals with the priority of employment to be given to persons who hold diplomas issued by trade and technical schools, etc., as regards posts for which special technical knowledge is required.

The employment exchanges and the Ministry of Labour carry out propaganda to encourage the use of the official employment offices; difficulties always arise, however, because of the

practice of freedom of choice followed by both employers and workers alike.

#### *Czechoslovakia.*

Presidential Decree No. 88 of 1 October 1945 respecting general labour service (in so far as the relations with undertakings are concerned).

Act of 19 December 1951 respecting the State manpower reserves (L.S. 1951—Cz. 6A).

Government Ordinance of 27 December 1951 respecting the organisation of manpower recruitment (L.S. 1951—Cz. 6B).

Government Ordinance of 6 April 1954 respecting the recruitment and vocational training of youth outside the State labour reserve schools (L.S. 1954—Cz. 1).

In reply to the observations made by the Committee of Experts in 1955 the Government submits the following information.

*Articles 1 and 2 of the Convention.* The principal tasks of the Ministry of Manpower are the organisation of recruitment and the placement of manpower on the one hand, and the education and vocational training of young qualified workers under a system of State labour reserve schools on the other. The organisation of the recruitment and placement of manpower is directed and carried out through the Manpower Departments of the National Committees.

The legislative basis for the activities of the Ministry of Manpower and the Manpower Departments is found to a limited extent in the above-mentioned legislative texts. These texts show that, even where certain aspects of recruitment are entrusted to the undertakings, the over-all problem of recruitment and placement is dealt with and controlled by the Ministry of Manpower.

Undertakings for which under the State plan recruitment is not organised by the public authorities must carry out their own recruitment, with the permission of the Manpower Departments, and do so by appealing to the public generally by means of leaflets, circulars, public notices, etc. These activities are directed and supervised by the Manpower Departments with a view to preventing the recruitment of workers from other undertakings and to regulating the engagement of workers by various undertakings on the basis of the estimates regarding labour demand contained in the State manpower plan. The network of Manpower Departments may therefore be considered as a national network of employment offices under the direction of a national authority. As regards health service personnel and graduates of universities and vocational schools, the authorities supervising those schools participate in their placement, in accordance with the national economic plan. This does not interfere in any way with the system of labour placement.

*Article 3.* No review of the network of Manpower Departments is contemplated.

*Articles 4 and 5.* The establishment of advisory committees comprising representatives of employers and workers is not in conformity with the economic system of the Czechoslovak Republic, since undertakings are owned by the working people. Legal regulations provide for the participation of the trade unions in negotia-

tions concerning conditions of employment. The Manpower Departments rely on the assistance provided by the organs of the Revolutionary Trade Union Movement, and are instructed in the directives of the Ministry of Manpower to seek such assistance.

*Article 6, paragraph (a) (iv).* In cases of ordinary placement, applicants who cannot be suitably placed are referred by the Manpower Departments to other Manpower Departments which are known to have suitable jobs available. Since 1954 a national review of vacancies has been published by the Ministry of Manpower on the basis of lists of job offers supplied by the individual central departments. This review lists jobs in important sectors which must be filled on a basis of priority. It is published once or twice quarterly.

Paragraph (b) (i) to (iii). The Manpower Departments directly promote the transfer of workers from one economic branch to another or from one area to another if such movement is in the interest of the economy. This is done, for instance, under organised recruitment for the construction industry and for coal and ore mining, and outside organised recruitment for the transfer of skilled and unskilled workers into agriculture and to the undersettled border districts. Workers who move may receive training allowances, travel fare, and travelling, separation and moving allowances. Their fare may also be reimbursed when they go to inspect their new place of work.

Paragraph (b) (iv). Recruitment of workers from abroad, which was resorted to for a short period after the war, was supervised by the Manpower Departments. Such recruitment no longer takes place.

Paragraph (c). Undertakings must report each month their vacancies and conditions of employment to their respective Manpower Departments. The Departments keep a record of these vacancies and of the extent to which they are filled, and also keep in touch with undertakings in their districts. On that basis they inform interested people about vacancies by means of leaflets, circulars, etc., giving specially detailed information in respect of important undertakings for which organised recruitment is carried out.

Paragraph (d). Since there is no unemployment but a chronic manpower shortage, there is no need for measures for the care of the unemployed. "Pre-placement" assistance may, however, be granted by the Manpower Departments in the rare cases where suitable employment is not immediately available.

Paragraph (e). The Manpower Departments and the Ministry of Manpower co-operate in the preparation and drafting of the manpower budgets and plans which are governed by the needs for continuous economic development and the growth of employment.

*Article 7.* Specialisation within individual Manpower Departments depends on the nature of their respective areas and, consequently, on the type of undertakings prevalent in each area.

The State Pension Office and the Social Security Departments, which are part of the National

Committees, deal with the placement of persons of reduced working capacity. The Social Security Departments place disabled applicants on the basis of a draft plan submitted by them and approved by the National Committees. Such plans are binding for individual undertakings.

*Article 8.* The Manpower Departments are responsible for the placement of all young persons leaving school. This includes recruitment into State labour reserve schools, control and direction of, and assistance in, the recruitment into apprentices' schools in undertakings and into agricultural apprentices' schools, and assistance in the placement of other young people in industry and agriculture. The responsible officials of the Manpower Departments, in co-operation with school principals and teachers, parent-teacher associations, the youth organisations and other organisations, inform all young people finishing school about placement and training possibilities. They interview each pupil individually and on the basis of his marks and interests help him in finding the most suitable employment.

*Article 9.* The staff of the Manpower Departments are selected from among experienced public officials or, in the case of officials dealing with juveniles, from among teachers. The staff of the district Manpower Departments must have secondary school education, and certain officials of the regional Manpower Departments must have university education.

*Article 10.* The Ministry of Manpower and Manpower Departments issue posters, leaflets, etc., with a view to recruiting workers for key sectors of the economy. Such means of information generally include references to the respective Manpower Departments.

*Article 11.* There are no private employment agencies not conducted with a view to profit.

#### *Dominican Republic (First Report).*

Labour Code of 11 June 1951, Section V, Chapter II of Book VII (L.S. 1951—Dom. 1).

*Article 1 of the Convention.* Section 411 of the Labour Code provides for the establishment within the Department of Labour of a section called the Employment Service, which has the following powers and duties: (1) to keep a register of unemployed workers; (2) to keep a register of job vacancies; (3) to supply information requested by employers and workers; (4) to issue unemployment cards to unemployed workers; (5) to cancel such cards when a worker obtains employment; and (6) to give unemployed workers and employers advice on request.

*Article 2.* Under section 412 of the Labour Code, outside the District of Santo Domingo the functions enumerated above are carried out by local labour representatives. The central national authority of the Employment Service is the Manpower Department of the State Secretariat of Labour which in addition to its responsibilities in other labour matters, organises and finances the Employment Service. All unemployed workers are obliged to register

with an employment office. Employers may notify job vacancies to the Employment Service, indicating the characteristics of the work.

*Article 3.* There are at present 40 local labour representatives in the Republic of whom 23 are located in the provincial capitals (district offices) and 17 in other important agglomerations (sub-district offices). No necessity for a review of these arrangements became apparent during the period covered by the report.

*Articles 4 and 5.* So far the need for advisory committees has not been felt. As the Employment Service was created only in 1951, neither employers nor workers are as yet fully familiar with its functions. The employment offices are therefore stimulating co-operation by visits and correspondence.

*Article 6.* Some statistical information on employment is obtained by the labour inspection service. The labour market of the Republic is very restricted; at the same time, there is practically no unemployment. Haitian workers are recruited each year for the sugar harvest in accordance with a bilateral agreement between the two countries.

*Article 7.* Note is taken of the occupation of applicants in their registration. Officials take into account the needs of every group of applicants.

*Article 8.* The employment offices take into account all the provisions of the Labour Code concerning the employment of young workers, in particular those relating to the prohibition of the employment and apprenticeship of young workers under 14 years of age. The Women's and Young Workers' Section collaborates closely with the Employment Service.

*Article 9.* As public servants, employment service personnel are guaranteed stability of employment and political independence. Criteria for recruitment are based on ability and for promotion on ability and seniority.

*Article 10.* The Employment Service carries out visits to employing establishments and uses the press and the radio to encourage co-operation.

*Article 11.* There are no private employment agencies in the Republic.

*Article 12.* The provisions of the Convention are applicable to all parts of the Republic.

The implementation of the legislative provisions mentioned in the report is entrusted to the State Secretariat of Labour, and is carried out by the Departments of Labour, which in turn are assisted by local labour offices and labour inspectors. The Employment Service has specialised personnel for visits to employers and for preparing press announcements and radio broadcasts.

In addition to the Central Employment Office in Ciudad Trujillo, there are 40 offices in the provinces. During the period under review 3,417 applications for employment were received, 228 job vacancies were notified and 719 workers were placed in employment.

*France.*

Order of 2 September 1954 to amend the Order of 29 October 1947 defining the duties of the Manpower Directorate of which the employment service forms part.

Decree No. 54-1267 of 24 December 1954, to regulate the status of the corps of heads of centres and supervisors of external labour and manpower services.

Under the Order of 2 September 1954 a number of changes have been made in the administrative structure of the Manpower Directorate, of which the employment service forms part, the chief change being the establishment of an office to deal with the problems caused by the presence of North African workers in France.

Under the Decree of 24 December 1954 a corps of heads of centres and supervisors of external labour and manpower services takes the place of the former grade of labour and manpower inspectors established by section 8 of the Decree of 27 April 1946. As part of its programme of staff training, the Manpower Directorate has extended methods which have proved their worth in recent years to nine new departmental manpower services, which have been organised as pilot projects. A document appended to the report describes in detail the methods used in giving administrative, technical and psychological training to employment service staffs.

*Iraq.*

There are now six employment offices. The number of applicants registered by these offices was 1,014, of whom 901 were placed.

*Italy.*

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. 25 of 19 January 1955 respecting apprenticeship.

Decree No. 520 of 19 March 1955 issued by the President of the Republic, respecting the central and regional organisation of the Ministry of Labour and Social Security.

*Article 4 of the Convention.* Act No. 264 of 29 April 1949 provides that the members of the Central Committee for placement and assistance to the unemployed are to include eight representatives of the workers, four representatives of the employers, one representative of the managers of undertakings, one representative of farmers cultivating their own land and one representative of craft workers. It also provides that the provincial employment committees are to include seven representatives of the workers and four of employers.

A decision to give more representation to the workers on these committees was based on the fact that the task of these bodies is mainly to extend the employment market as far as possible, to facilitate the vocational selection of workers and to ensure a fair distribution of available employment. Since it is the workers who are essentially concerned in all matters relating to placement and employment, it was thought necessary to give them more representation on the appropriate bodies.

The unfortunate consequences of any differences in the number of representatives of workers and employers have been eliminated, and co-operation is ensured by the presence on these committees of representatives of government departments and public bodies, and more particularly representatives of handicrafts, farming and supervisory staff.

*Article 6 (a) (iv).* Although section 13 of the Act No. 264 of 29 April 1949 states that if an employment office is unable to meet part or the whole of a request for workers it shall refer the unfilled vacancies to other offices, it should be stated that at the present day such a state of affairs is quite exceptional since much surplus labour is available, both locally and nationally.

It should be added that for certain types of seasonal agricultural work (rice growing, harvesting of grain and olives, and forestry) there are large-scale movements of workers in Italy, owing to the fact that the number of workers available locally is insufficient for the demand.

In these cases the placement and transfer of these workers are based on regulations modelled on section 23 of Act No. 264, which provides for an exception to be made to the rule that placement is to be carried out locally, and lays down that arrangements may be made to organise placement services on an inter-provincial or national basis.

*Article 7 (a).* There is no overlapping of ordinary employment offices and the special offices that come under the Ministry for Mercantile Marine, which were set up for the placement of seamen and dockers.

If they are unemployed, however, such workers may notify ordinary employment offices of any other qualifications they may happen to have; they may thus obtain work in any occupation (details are given in a circular, a copy of which has been communicated to the I.L.O.).

*Article 11.* There are no private employment agencies in Italy apart from those for domestic workers and household assistants of all kinds (these categories of workers are at present excluded from legislation on placement and employment).

These private employment agencies, to which public employment offices are quite unrelated, are subject to police authorisation and supervision.

The report also contains supplementary information relating to the following Articles:

*Article 6 (b).* The Ministry of Labour has drawn up a Bill for the amendment of Act No. 358 of 9 April 1931 respecting the organisation and development of migration and internal settlement, and of Act. No. 1092 of 6 July 1939 to prevent the drift of population to the towns. This Bill is now the subject of a co-ordination process among the various Ministries concerned. A Ministry of Labour circular has informed employment offices of certain action to facilitate the transfer of workers from one industry to another at the request of the parties concerned.

*Article 7 (a).* The Ministry of Labour has drafted two decrees which, as provided for in

section 23 of Act No. 264 of 29 April 1949, regulate the employment of hotel workers, shop assistants and bakery workers. These two drafts have been approved by the Central Committee for placement and assistance to the unemployed, and it is hoped to submit them to the Council of State in the very near future.

*Article 8.* Juvenile employment sections have been set up within all regional and provincial employment offices. The staffs of these sections took a special course which was held in Milan early in 1955. The methods and rules to be followed by these officials in the performance of their duties were laid down by the Ministry of Labour in a circular dated 8 April 1955.

The report also refers to Act No. 25 of 19 January 1955 respecting apprenticeship, which provides for the setting up of a committee on apprenticeship and the employment of young workers that will come under the Central Committee for placement and assistance to the unemployed, and also makes it compulsory for apprentices to be engaged through the employment offices. Before employment an apprentice must undergo a medical examination to ascertain whether he has the necessary physical aptitudes for his proposed employment, as well as a psychological and physiological aptitude test, for which the necessary arrangements are to be made by the appropriate employment service, in places where there are vocational guidance centres approved by the Ministry of Labour and Social Security. Three circulars on the objectives and essential aspects of the Act were drawn up by the Ministry of Labour.

#### *Japan (First Report).*

National Public Service Law No. 120 of 1947.  
Employment Security Law No. 141 of 1947.  
Enforcement Ordinance of Employment Security Law (Ministry of Labour Ordinance No. 12 of 1947).  
Unemployment Insurance Law No. 146 of 1947.  
Enforcement Ordinance of Unemployment Insurance Law (Ministry of Labour Ordinance No. 6 of 1949).  
Emergency Unemployment Counter-Measures Law No. 89 of 1949.  
Ministry of Labour Establishment Law No. 162 of 1949.  
Ministry of Labour Organisation Order (Cabinet Order No. 393 of 1952).

*Article 1 of the Convention.* The free public employment service was established in accordance with the Employment Security Law No. 141 of 1947 and the Ministry of Labour Establishment Law No. 162 of 1949. The former law provides that it should administer employment exchange work, vocational guidance, vocational training, unemployment insurance and other necessary functions to accomplish the purposes of the law and that it should, in co-operation with other public and private bodies concerned, provide people with opportunities to get suitable jobs and work towards the best possible organisation of industrial and other employment.

*Article 2.* The service consists of the Employment Security Bureau of the Ministry of Labour as a central organ, the employment security sections in the prefectures, and the public employment security offices and branch offices as first line agencies. The service is headed

by a Director of the Employment Security Bureau, who acts under the supervision of the Minister of Labour.

*Article 3.* Under the Enforcement Ordinance of the Employment Security Law, public employment security offices must as a rule be established in industrialised and heavily populated communities with a large number of hiring establishments. Account must also be taken of the local needs in determining the location and jurisdiction of the public employment security offices. One may be established in a community where there are few hiring establishments but where there is a large labour pool which may be transferred to other areas. It may also be established in a locality where employers need more workers than are available in the immediate vicinity. These offices should at any rate be sufficient in number and facilities to provide convenient and adequate service to employers and job applicants. Wherever significant changes have occurred in the volume of work handled by a public employment security office measures have been taken to revise its internal organisation and, if necessary, to establish a new office or a branch office.

*Article 4.* The national and prefectural employment security councils are established as auxiliary organs of the Ministry of Labour, with the function of examining important matters concerning, *inter alia*, the services of the public employment security offices. They are composed of representatives of employers, workers and the public interest appointed in equal numbers by the Minister of Labour. With respect to the appointment of employers' and workers' representatives, the Minister of Labour or the prefectural governors request trade unions or employers' organisations respectively to present two candidates for each position to be filled. The chairman is elected by a majority vote from among the members representing the public interest.

*Article 5.* The functions of the councils are to submit recommendations to the authorities and to advise private organisations on matters concerning the policies and programmes of the employment security system, conditions of supply of and demand for workers in their area of competence, industries and occupations for which qualified workers are not available in sufficient numbers, vocational guidance and training, etc.

*Article 6.* The employment offices are required to accept every application for and offer of employment unless it is contrary to the law. Note is taken of the qualifications of applicants and of employment conditions pertaining to notified vacancies. Assistance is given to applicants in choosing a job and, if necessary, vocational counselling or aptitude tests are made by the vocational guidance unit. Careful attention is given to the matching of applications and vacancies. If an application or vacancy cannot be filled locally, the application card or job offer are circulated to other neighbouring offices.

Every effort is made to place workers locally before referring them to jobs necessitating a change of residence, but if that is not possible



the necessary advice and assistance is given to them by the public employment security office. In order to meet temporary local maladjustments of the supply and demand of workers, the Minister of Labour calls clearance meetings where necessary.

As regards emigration from Japan, it has been arranged that the employment service should take care of emigrants for employment in co-operation with the Ministry of Foreign Affairs and other organisations concerned.

The Director of the Employment Security Bureau is required to collect and publish information concerning employment and unemployment. This information, based on reports submitted by prefectural and local offices, is available to employers at their request. The Labour Market Survey Section of the Employment Security Bureau is responsible for surveys and statistics of the Employment Service. It is also responsible for the collection, analysis, tabulation and publication of statistical information submitted by the competent sections of the prefectural government or the public employment security offices. The Labour Statistics and Research Division of the Ministry of Labour is responsible for the collection and publication of nation-wide statistical information relating to trends of employment. The Director of the Employment Security Bureau is also responsible for co-ordination between the division and other government agencies as regards the analysis of the trends of employment and unemployment. The published information is available to government agencies, workers' and employers' organisations and the general public.

The operation of unemployment insurance is under the jurisdiction of the Employment Security Bureau. At the prefectural level guidance is given by the unemployment insurance section (or division) in connection with the service. As the first-line organ the public employment security offices are responsible for first recognising a worker's unemployment and for payment of unemployment insurance benefits. Moreover, the Employment Security Bureau is responsible for the enforcement of the Emergency Unemployment Counter-Measures Law which organises unemployment relief work. In principle, the workers to be employed by the planning agencies in the relief work projects must be the unemployed referred to them by the public employment security offices.

The Employment Service assists other public and private bodies in social and economic planning calculated to ensure a favourable employment situation by distributing statistical information concerning employment and unemployment, participating in meetings and giving advice to employers, at their request, on the improvement of hiring methods, the transfer of workers and measures to give stability to the workers.

*Article 7.* The Employment Security Bureau prepares standard job titles, job descriptions and occupational classifications which will be utilised by the public employment security offices. None of these offices are specialised according to occupations or industries, but one deals exclusively with women and one branch office deals only with casual workers.

Disabled persons' employment promotion councils were established in the Ministry of Labour and the prefectural governments by a decision of the Cabinet in April 1952, which deals with severely disabled persons. A voluntary registration system for such applicants has been established in the public employment security offices and an employment campaign carried out among employers. The offices emphasise vocational guidance and counselling for disabled applicants, and the Director of the Employment Security Bureau may order prefectural governors to undertake studies on special guidance and counselling services for the disabled.

Disabled persons with a lesser degree of disability are referred to the existing 270 general public vocational training centres, while those disabled to a greater extent are sent to the eight existing public vocational training centres for the handicapped. Disabled persons referred to such centres undergo a medical examination conducted by a public employment security office.

*Article 8.* The public employment security offices co-operate with the schools in conducting vocational guidance and employment counselling of pupils who are ready to leave school and enter the employment market. They also give further guidance and counselling and administer aptitude tests. They furnish the school-leavers with information concerning the conditions of labour supply and demand and other employment information. The heads of the schools may be requested to exercise certain functions of the public employment security offices for school-leavers and, after notification to the Minister of Labour, may operate a free employment service for the pupils of their schools.

*Article 9.* The staff of the Employment Service is composed of public officials appointed by the Minister of Labour; their status and conditions of service are guaranteed by law. They are independent of changes of government and of unjust influences from outside. They are recruited from among candidates who have successfully undergone the competitive examinations held every year for the public service.

Training units are organised by the Ministry of Labour, prefectural governments and the public employment security offices for the training of the employment service staff.

*Article 10.* Information units are established in the Employment Security Bureau of the Ministry of Labour, in the employment security sections of prefectural governments and in the public employment security offices. They are responsible for keeping the public informed of the activities of the Employment Service in order to encourage full use by employers and workers of its facilities. The Employment Security Bureau also publishes and distributes a monthly bulletin, organises meetings of employers and workers and issues press releases.

*Article 11.* Where a school conducts a free employment service for its graduates, the head of that school must notify the competent authority. Projects involving the recruitment and placement of workers outside the scope of the Employment Security Organisation must be authorised by the Minister of Labour and

are subject to strict legal control. Operators of such projects must submit records of their activities and the employment security service may inspect their places of business and examine their ledgers, etc. The Employment Security Organisation also gives them guidance with a view to securing effective operation of the projects.

*Article 12.* No area of the country is exempted from the application of the Convention.

The Minister of Labour is responsible for the enforcement of the Employment Security Law, the Unemployment Insurance Law and the Emergency Unemployment Counter-Measures Law. The Employment Security Law and the Unemployment Insurance Law entrust prefectural governors with certain of the activities prescribed therein.

The methods of implementation and enforcement of the laws are the same as those ordinarily applied throughout the national administration, and the fundamental principles of administrative operation are contained in the circulars issued by the Director of the Employment Security Bureau. However, in the Employment Service, the Administrative Manual prepared for the public employment security offices is used for basic standards of administration.

The application of the legislation and administrative regulations is supervised and enforced by the national employment security supervisor of the Employment Security Bureau of the Ministry of Labour and by the local supervisor of the Employment Security Section of prefectural governments.

As at the end of June 1955 there were 422 public employment security offices, 135 branch offices and 95 detached offices. In addition, there were 270 public vocational training centres, 8 public vocational training centres for the disabled and 19 general vocational training centres in connection with the unemployment insurance system.

Statistical data on the number of vacancies notified, job applications received, and referrals and placements made between July 1954 and June 1955 are given below (in thousands):

Regular workers: vacancies notified: 2,368;  
job applications received: 4,683; referrals made: 3,310; placements made: 1,819.

Casual workers: vacancies notified: 83,001; job applications received: 98,790; referrals made 82,910; placements made: 80,190.

#### *Netherlands.*

Royal Decree of 5 July 1954 respecting the reorganisation of the employment service.

The new decree defines the duties of the Directorate for the Reduction of Unemployment and the report gives a number of details on this subject.

During 1954 the 84 regional and 75 subsidiary employment offices registered 660,300 applications and 589,000 vacancies; they placed 394,500 persons in work.

#### *New Zealand.*

Labour Department Act of 1 October 1954.  
Employment (Information) Regulations, 1954.

The functions of the national employment service which operated as an integral part of the Department of Labour and Employment have, as a consequence of the Labour Department Act of 1954, been formally taken over by the Department of Labour constituted under the Act (Employment Division).

The Department of Labour in respect of its employment activities, and of other matters except immigration, functions under the Minister of Labour. Immigration activities are under the control of the Minister of Immigration. The administrative head is the Secretary of Labour.

The district officer of the Department of Labour is the Chairman of the Employment Advisory Committee.

The views of advisory committees on employment service policy are taken into consideration as occasion arises.

Information regarding the employment situation in seasonal industries is published every six weeks but may be required monthly if considered necessary. Information regarding waterfront workers is supplied regularly by the Waterfront Industry Commission. In addition to other periodical publications, the Department of Labour compiles monthly tables of unemployed persons, notified vacancies, and placings effected. Various articles on the different aspects of employment are prepared regularly for inclusion in the *Labour Gazette*.

Subsidised employment and subsidised training have been used for many years as aids to the placement of disabled persons; facilities for the retraining of disabled workers have been expanded recently. However, because of the favourable employment conditions during recent years, there has been little need for such assistance.

The report describes in detail the training programmes organised by the Department of Labour.

All possible measures are taken to encourage the full use of employment facilities by employers and workers on a voluntary basis. The number of private registry offices has steadily decreased from 110 in 1937 to only ten at 31 March 1955.

There are no large areas within New Zealand to which the conditions of the Convention would not apply. While there is no evidence of any need to extend employment facilities to the Chatham Islands, such facilities are fully available to persons coming from these Islands to the mainland in search of work.

#### *Norway.*

One more joint placement office has been opened. There are now 683 local placement offices, 60 of which are employment offices. In 570 local districts the employment service is attached to the social insurance office, and in 53 districts special employment exchange officials have been appointed. Sixteen towns have their own seamen's employment offices.

As part of the staff training programme staff meetings have been held for the heads of seamen's employment offices, officials of regional planning offices and officials of the Institutes of Labour Psychology.



During the period under review the public employment offices registered 248,045 applications for employment and 231,514 vacancies; 180,673 persons were placed.

#### *Philippines (First Report).*

Act No. 761 of 20 June 1952, to establish a national employment service.

The duties of the National Employment Service, established by Act No. 761 of 20 June 1952 are as follows: (a) to provide free placement service for labour of all types; (b) to collect and analyse the fullest available information on the employment situation and its probable trends, and to make such information available to other public agencies, employers, workers and the public; (c) to encourage and assist other public agencies and private organisations in social and economic planning calculated to ensure a favourable employment situation; (d) to co-operate in the administration of employment insurance or assistance schemes and other measures as may be established for the relief of the employed; (e) to make continuous and special studies on the various aspects of the organisation of the employment market and recommend measures against unemployment and underemployment; (f) to assist the transfer of workers or settlers from one place to another; (g) to prepare an annual report of its activities with special emphasis on the number of applicants obtaining employment through the service in relation to the number of applicants registering with it; and (h) to perform such other duties as may be assigned to it by law.

In order to ensure effective placement and recruitment the service registers applicants for employment, takes note of their occupational qualifications, experiences and desires, and interviews them for employment and evaluates, if necessary, their physical and vocational capacity; it assists them, when appropriate, to obtain vocational guidance or vocational training or retraining. The service also obtains from employers information on vacancies and the requirements to be met by the workers sought by them, refers to available employment applicants with suitable skills and physical capacity and refers applicants and vacancies from one employment office to another, in cases in which the applicants cannot suitably be placed or the vacancies suitably filled by the original office or in which other circumstances warrant such action.

The staff of the service is composed of public officials whose status and conditions of service are such that they are independent of changes of government and of improper external influences. The Act also provides that no person shall be appointed to any office or to any technical or professional position in the service unless he has had adequate training for performance of the duties pertaining to such office or position. It also provides that the Commissioner shall establish a permanent training programme for members of the staff of the service. During the last session of Congress 75 posts in the service were abolished. It is hoped that they will be restored when Congress convenes early next year.

Between July 1953 and June 1955 there were

ten local offices which received 47,363 applications and 4,859 vacancy notifications; they placed 3,288 persons in employment.

#### *Sweden.*

The report states that the organisation of the national employment service is described in the report (in Swedish) of the Labour Market Board for 1954, and that this report also contains information relating to foreign workers and statistical data relating to the employment service.

#### *Switzerland.*

##### *Geneva.*

Act of 30 April 1955 respecting the employment service.

Regulation of 6 July 1955 to implement the above-mentioned Act.

##### *Uri.*

Ordinance of 22 April 1955 to implement the Federal Unemployment Insurance and Employment Service Acts of 22 June 1951.

In Fribourg, the only canton in Switzerland which has not yet issued regulations to implement the Federal Employment Service Act of 22 June 1951, such regulations only exist at present in draft form. However, the organisation and activities of the public employment service in this canton already conform to the latest Swiss legislation on the subject and comply with the requirements of the international Convention. The number of unemployed once more fell below the level reached in the previous year. The Employment Service Act of 30 April 1955 (canton of Geneva), together with the regulation of 6 July 1955 to implement it, rescind the regulation issued under the Act of 28 January 1933 (amended in 1934, 1937 and 1949) and the Orders of the Council of State of 12 January 1935 and 28 December 1951.

In the canton of Appenzell Inner Rhodes, the two local employment offices, together with the cantonal office, between them meet the needs of the population of this small alpine canton.

The legislation of this canton empowers the executive authority of the canton (*Standeskommission*) to set up an advisory committee to examine certain matters connected with the employment market. Employers and workers must be given equal representation on this committee.

During the period under review the employment service offices registered 91,566 job applications and 121,128 vacancies; they placed 45,552 persons in employment.

The cantonal Acts and regulations referred to above are appended to the report.

#### *Turkey.*

*Article 3 of the Convention.* Decisions on the extension of the network of employment offices are taken on the basis of employment market studies carried out at the request of municipalities or other organisations or on the suggestion of local and regional officials. Information on the present development of the network is given in the Government's report on the application of Convention No. 2.

*Article 4.* Local advisory committees have been appointed in four major centres. The General Directorate of the Employment Service tries, within the limits of its financial resources, to give effect to those suggestions of the advisory committees which are considered practicable.

*Article 6.* Weekly bulletins are now exchanged between employment offices. These give general information regarding unplaced applicants and unfilled vacancies, as well as expected developments in employment opportunities in the area of each office. The information is not full enough to permit immediate referral but it indicates the possibilities of clearance action and leads to offices communicating with each other to the mutual satisfaction of both.

The Employment Service has undertaken its first experiment in creating employment opportunities by financing the establishment of a carpet and rug factory in the province of Konya which is planned to give employment to 200 women workers; it is taking part in the training of the workers.

*Article 7.* Work on the vocational rehabilitation of disabled persons is still in the exploratory stage. A preliminary study of the subject was carried out by an I.L.O. expert in October 1954 and his report will serve as a guide for the development of the work in this field.

*Article 9.* The position of the staff of the Employment Service has been improved by the allocation to them of a salary bonus similar to that paid to the staff of state economic undertakings. In the matter of training, advantage has been taken of fellowships provided by the I.L.O. and by the United States Government, and senior officials of the service have profited from training in France, Belgium and the United States. Staff have also attended courses at the Labour Administration Institute in Istanbul, with which the I.L.O. has been associated.

*Article 10.* The Central Advisory Committee gave attention at its annual meeting to the question of measures to encourage full use of the Employment Service. It was considered desirable that the Service should be the channel for the placement of workers in public employment and the state economic undertakings. It was also recommended that there should be more radio, poster and press publicity. A Directorate of Publications was set up early in 1955 with the task of making employers and workers throughout the country better acquainted with the work of the service. It circulates statistical information to the press, prepares talks for broadcasting and publishes an information bulletin for circulation among members of the staff and to other official organisations and the Confederation of Trade Unions; this bulletin contains information about the activities of the Service and news of general interest relating to employment service matters.

#### *United Kingdom.*

##### *Great Britain.*

The free public employment service is at present provided by the following network of

offices: 977 employment exchanges, 96 sub-offices, 80 branch employment offices, 32 local agencies, 1,153 youth employment offices, 1 technical and scientific register, 3 appointments offices, 11 regional nursing appointments offices and 140 local nursing appointments offices. The average numbers of applicants registered for employment at employment exchanges during the period were: unemployed, 251,063; employed, 28,710. The number of vacancies notified to employment exchanges remaining unfilled at the end of the period was 460,491. The number of persons placed in employment during the period was 3,099,320 (including 101,457 persons already in other employment).

Interviewing and registration for employment are no longer separate operations at local offices. Each applicant is interviewed by a placing officer who ascertains and records the applicant's employment history. In the course of this interview the occupation for which the applicant is to be registered is determined with his agreement and the placing officer gives appropriate vocational advice or guidance regarding training or retraining where this is necessary.

The cardinal principle in selection is that the persons selected should be those suitable for the vacancy having regard to their industrial or commercial qualifications, experience and personal qualities. It is also the function of placing officers to give information and advice on employment matters to persons who require it although they may not be immediately seeking employment.

The National Advisory Council on the Employment of the Disabled has been active in considering, *inter alia*, the provision by local authorities of training and employment facilities for severely disabled sighted persons, the admission of persons with psychiatric disturbances to Industrial Rehabilitation Units, and the placing of infectious tuberculous persons in ordinary employment.

Information is supplied regarding the recruitment, admission and employment of foreign workers in Great Britain in the period under review.

Ex-regular members of the armed forces continue to receive special attention. Arrangements have been made with the main industries and services for the engagement of ex-regular soldiers and skills acquired during service are recognised in many cases for civilian employment. Full advice is available to all regular soldiers both before and after their discharge.

##### *Northern Ireland.*

There are now 28 employment exchanges and 67 sub-offices. The average number of unemployed applicants registered for employment at employment exchanges during the period was 32,294. The number of vacancies notified to employment exchanges remaining unfilled at 13 June 1955 was 977. The number of persons placed in employment by employment exchanges in the 52 weeks ended 13 June 1955 was 30,986.

## 89. Night Work (Women) Convention (Revised), 1948

*This Convention came into force on 27 February 1951*

Countries	Date of registration of ratification
Austria . . . . .	5.10.1950
Belgium . . . . .	1. 4.1952
Cuba . . . . .	29. 4.1952
Czechoslovakia . . . . .	12. 6.1950
Dominican Republic . . . . .	22. 9.1953
France . . . . .	21. 9.1953
Guatemala . . . . .	13. 2.1952
India . . . . .	27. 2.1950
Ireland . . . . .	14. 1.1952
Italy . . . . .	22.10.1952
Netherlands . . . . .	22.10.1954
New Zealand . . . . .	10.11.1950
Pakistan . . . . .	14. 2.1951
Philippines . . . . .	29.12.1953
Switzerland . . . . .	6. 5.1950
Syria . . . . .	1.12.1949
Union of South Africa . . . . .	2. 3.1950
Uruguay . . . . .	18. 3.1954

### *Austria.*

As regards the observations made by the Committee of Experts the Government refers to the information which it supplied in writing to the Conference Committee in 1955, to the effect that it has not yet been possible to submit to the legislative authority a Labour Bill which would take into account all the provisions of the Convention.

In 1954 the labour inspection service reported 154 infringements of the regulations respecting the nightly rest period for women and children in various branches of activity enumerated in the report.

The Federation of Austrian Trade Unions and the Congress of Chambers of Labour have pointed out that the majority of infringements of the provisions relating to the employment of women at night were in respect of women employed as domestic servants or cooks, as well as in textile industries. The two organisations in question have requested that any persons or establishments who employ women in the above-mentioned categories should be subjected to stricter measures of control.

### *Belgium.*

With reference to the observations made by the Committee of Experts as regards the absence in Belgian legislation of provisions for the consultation of the employers' and workers' organisations concerned before granting an exception to the prohibition of night work for women, the report states that this constitutes in fact only a minor discrepancy. In practice the provisions of the Act of 1889 authorise the suspension of the prohibition of night work only in very serious cases when the national interest demands it. Such decisions are authorised after an inquiry has been carried out by the labour inspector who, according to the customary practice, always consults the employers' and workers' organisations concerned. The power to suspend the prohibition of night

work for women has only been used on five occasions since 1940; the first four cases occurred during the last war; the remaining one concerned an undertaking for the manufacture of penicillin and only related to nine women workers. The Government points out that when the Bill authorising the ratification of the Convention was being considered by the Senate the report of the competent committee indicated that it could be anticipated that, by the act of ratification, the obligation to consult the employers' and workers' organisations concerned would be incorporated in the national legislation. Nevertheless, whenever it appears expedient to revise the legislation the necessary provisions will be incorporated in the legislation which is in force.

### *Cuba.*

The report states that section I of Legislative Decree No. 598 of 16 October 1934 lays down that women shall not be employed at night in any industrial undertaking other than an undertaking in which only members of the same family are employed, but that in practice this exceptional provision has proved to be of no value. No exceptions allowed under Article 4 of the Convention (cases of *force majeure* or for work in connection with materials subject to rapid deterioration) were authorised in any industrial undertaking.

The police also assist in the supervision of the legislative provisions.

### *Czechoslovakia (First Report).*

Eight-Hour Working Day Act of 19 December 1918 (L.S. 1919—Cz. 1).  
Order of 11 January 1919 to apply the above-mentioned Act (L.S. 1919—Cz. 2).  
Government Ordinance No. 19 of 1951.

*Article 2 of the Convention.* The report of the Government states, in respect of the period from 1 July 1951 to 30 June 1953, that according to section 8, paragraph 1, of the Eight-Hour Working Day Act night work was considered to be work done between 10 p.m. and 5 a.m. However, the information supplied for 1954-55 states that this provision has been amended by wage decrees under which night work is defined as relating to the period between 10 p.m. and 6 a.m.

As regards the period of at least 11 consecutive hours' rest, the report for 1954-55 states that, in the case of a single shift, work always begins at the same hour so that, given the statutory length of a working day, an employee has generally a 16-hour break; in any case there is a minimum 11-hour break between two shifts. This is also true of undertakings operating two shifts. In undertakings where three shifts are operated this break is also assured because during the week each employee works during the same period of day or night. Only during a change of shifts (unless a special intermittent shift is introduced) does an employee work a 16-hour

shift or two 12-hour shifts. The Government adds that this is in conformity with Article 4 of the Hours of Work (Industry) Convention, 1919 (No. 1), which provides for an eight-hour working day and a 48-hour week.

According to the report covering the period 1 July 1951 to 30 June 1953, section 9, paragraph 1, of the Eight-Hour Working Day Act prohibits the employment of women at night.

Under section 9, paragraph 2, of the same Act, exceptions may be authorised by the competent Minister who may allow women to work at night in the processing of raw materials or other rapidly perishable goods, provided that the women in question are over 18 years of age and are only employed at night exceptionally and on a temporary basis. Section 5 of the Order of 1919, to apply the Eight-Hour Working Day Act, authorises the night work of women in undertakings for the processing of tinned foods, fruit juices, dried vegetables and fruit.

By virtue of section 9, paragraph 3, of the Eight-Hour Working Day Act, the competent Minister may authorise certain categories of undertakings to employ at night women who are over the age of 18 years on work which is not fatiguing, if this is necessary for the uninterrupted operation of the undertaking or in the public interest. The Government added that the expansion of industry in Czechoslovakia after 1945 has made it necessary, at least temporarily, for women over 18 years of age to be employed at night in certain branches of the economy where there is a shortage of male labour, and where night shifts have been introduced in order to utilise the available supply of electric power.

In its report for 1954-55 the Government stated, with reference to Article 5 of the Convention, that under present conditions it considers the night work of women authorised under the provisions of Government Ordinance No. 19 of 1951 as an exceptional measure which will be abolished as soon as the economic situation and the supply of labour permit it.

The application of the relevant regulations is supervised by the competent economic bodies and by the labour inspection authorities.

#### *Dominican Republic (First Report).*

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

*Article 1 of the Convention.* All the undertakings listed in Article 1, paragraph 1, of the Convention are covered by the legislation, but the Labour Code does not make any distinction between industry and commerce; its provisions apply equally to both sectors. However, the Code contains a separate definition of agricultural work (sections 261 to 266) and maritime work (sections 272 to 279).

*Article 2.* Under section 219 of the Labour Code the employment of women in any kind of work between 10 p.m. and 6 a.m. is prohibited.

*Article 3.* The prohibition laid down in section 219 applies to women employed in industrial and commercial work irrespective of their age. It is not applicable to domestic work, nursing services, and to any employment generally authorised for special reasons by the Secretary of State for Labour.

*Article 4.* The exemptions covered by this Article, although not provided for explicitly in the legislation, are implicitly authorised by paragraph 6 of section 219 mentioned above. The Secretary of State for Labour has only very rarely used the powers given him by this provision. Up till now, no such cases as those provided for by Article 4 of the Convention have arisen.

*Article 5.* The Government has not yet found it necessary to suspend the prohibition of night work for women.

*Article 6.* This provision is not contained in the national legislation.

*Article 7.* The legislation prohibits night work for women between 10 p.m. and 6 a.m.

*Article 8.* The exception provided for in point (a) of this Article may be deemed to be covered by paragraph 6 of section 219 of the Labour Code. The exception provided for in point (b) is covered by paragraphs 2 and 5 of the same section.

The Secretary of State for Labour is responsible for the application of the Labour Code. This supervision is carried out by the Departments of Labour assisted by local labour representatives and labour inspectors. They inspect the registers giving particulars of the workers, and investigate complaints submitted by the workers' organisations, etc. In addition, there is in each of the Labour Departments a section for the Employment of Women and Young Persons, which is specially responsible for supervising the enforcement of the provisions relating to the work of women and children.

The Government states that it is conducting an inquiry in order to ascertain whether the courts have given any decisions on questions concerning the enforcement of Convention No. 89 and that, if so, it will communicate the text of these decisions to the Office at a later date. Information on the application of the Convention, etc., will also be sent when it has been collected by the departments concerned.

#### *France (First Report).*

Labour Code (Part II of Chapter III of Book II, sections 21 to 29).

Decree of 5 May 1928, to issue public administrative regulations defining the allowances and exceptions contemplated in section, 17, 24, 25 and 26 of Book II of the Labour Code (L.S. 1928—Fr. 10).

*Article 1 of the Convention.* In application of section 21 of Book II of the Labour Code, French legislation with regard to the employment of women during the night applies to factories, manufacturing establishments, mines and quarries, yards, workshops and their annexes of whatever kind, public or private, secular or religious, even if these establishments are for the purpose of vocational education or are of a benevolent nature.

*Article 2.* In application of section 23 of Book II of the Labour Code, the rest period of women during the night must be not less than 11 consecutive hours. Further, section 22 provides that all work done between 10 p.m. and 5 a.m. is considered to be night work.

*Article 3.* The legislation with regard to night work applies to all women employed in the establishments mentioned in section 21 of Book II of the Labour Code, regardless of the nature of the duties performed.

*Article 4.* The exemptions allowed from the prohibition of night work for women are contained in sections 24 and 25 of Book II of the Labour Code, which read as follows :

*Section 24.* In certain specified undertakings in which the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration, when it is necessary in order to preserve the said materials from certain loss, an authorisation may be given by public administrative regulations for a temporary exemption from the provisions of sections 21 and 22 in so far as they concern adult women, under the conditions laid down in the said regulations, and by merely giving prior notice.

*Section 25.* Further, in cases of unemployment caused by an accidental interruption of work or *force majeure* which are not of a recurring character, the head of the establishment in any industry may be granted exemptions from the provisions of sections 21 and 22 in so far as they concern adult women, within the limits of the number of days lost, by warning the inspector in advance, under conditions to be laid down by public administrative regulations. Nevertheless, the head of the establishment may not make use of these exemptions for more than 15 nights in a year without the authorisation of the inspector.

The Decree of 5 May 1928 mentioned above contains the list of industries for which exceptions are allowed under section 24, and fixes the number of days a year during which women may be employed for the whole or part of the night.

*Article 5.* Under section 22 (*a*) of Book II of the Labour Code " as an exceptional measure, labour inspectors may authorise systems of work which involve exemption from the provisions of sections 21 and 22 for establishments in which work of concern to national defence is done, and where the work is arranged in successive shifts ".

*Article 6.* Sections 24, 25 and 26 of Book II of the Labour Code contain special provisions with regard to seasonal industries.

*Article 7.* French regulations do not provide for this contingency.

*Article 8.* No special exception is provided by French regulations for women holding responsible positions of a managerial or technical character, or for women employed in health and welfare services who are not ordinarily engaged in manual work.

The supervision of the legislation with regard to prohibition of night work for women is carried out by the Labour Inspection and Manpower Service. Inspectors have the right of

entry into all the establishments covered by the provisions the execution of which they have to ensure, so that they may do the work of supervision and investigation for which they are responsible. The labour inspectors, engineers and supervisors in mines report contraventions by means of official reports which are considered as authentic unless proved to the contrary. These reports are drawn up in duplicate, one copy being sent to the Prefect of the Department and the other lodged with the Public Prosecutor (section 107 of Book II of the Labour Code).

Section 111 of Book II of the Labour Code states that the provisions of Chapter II of Book II of the Labour Code do not in any way depart from the rules of common law as to the reports made and legal proceedings instituted by the commissioners of police and other judicial police officers for contraventions of the legislation.

An inquiry carried out by the labour inspection services has shown that the Convention is in general satisfactorily applied.

#### *India.*

Factories (Amendment) Act No. XXV of 1954 (L.S. 1954—Ind. 1).

As regards the observations made by the Committee of Experts in 1954, the Government refers to the statement made by the Government representative to the Conference Committee in that year.

The Factories (Amendment) Bill has been enacted and has become law.

The average number of women employed in factories covered by the Factories Act in 1952 was 273,814 and those employed in mines was 126,205. The corresponding figures for 1953 were 265,409 and 126,666, respectively.

#### *Ireland.*

As regards Article 4 (*b*) of the Convention the report states that permits were given in the case of 15 undertakings throughout the country to allow night work for the killing, plucking and packing of poultry for a short period preceding the Christmas season when it was necessary to prevent certain loss. None of the permits was valid for a period of more than four weeks.

One contravention of the provisions of the Convention was reported during the period under review.

#### *New Zealand.*

In March 1955 the number of female workers in all registered factories was 45,211.

#### *Pakistan.*

With reference to the request made by the Committee of Experts for further information on steps to ensure that restrictions on the prohibition of night work by women are only relaxed in case of emergency, the report states that the Mines (Amendment) Bill is at an advanced stage and is likely to be introduced at the next session of the Constituent Assembly (Legislature).

In 1953, 13,595 women were employed in factories (9,218 in seasonal factories and 4,377 in perennial factories); only nine women were employed in mines covered by the Mines Act, 1923.

#### *Philippines (First Report).*

Act No. 679 of 8 April 1952, to regulate the employment of women and children, to provide penalties for violation hereof, and for other purposes (L.S. 1952—Phi. 1).

Act No. 1131 of 16 June 1954 to amend Act No. 679. Departmental Order No. 14-A of the Department of Labour, dated 3 September 1954, to define the term "immediate members of the family" in connection with the implementation of Act No. 679, as amended by Act No. 1131.

Act No. 679, as amended, prohibits the employment of women, regardless of age, in any industrial undertaking or branch thereof between 10 p.m. and 6 a.m., except as regards women who are "immediate members of the family operating or owning the undertaking". The Act also provides that an employer may be exempted from this provision: (1) in case of *force majeure* causing an interruption in the work which was not foreseen and which is not of a recurring character; (2) by the Secretary of Labour, if he finds, after proper investigation, that the work has to do with raw materials or materials in the course of treatment which are subject to rapid deterioration and that night work is necessary to preserve such materials from loss; (3) by the President of the Philippines, with or without the recommendation of the Secretary of Labour, in case of emergency where the national interests demand the suspension of the night work prohibition for women in a particular industry or industries.

The prohibition of night work for women does not apply to women holding responsible positions of a managerial or technical character and to women employed in health and welfare services.

Many contraventions of the night work prohibition of women were noted by the inspection division of the Department of Labour, during the first months following the enactment of Act No. 679. Most of the women found to be employed after 10 p.m. claimed to be members of the family owning or operating the estab-

lishment. To avoid a possible misinterpretation of the expression "immediate members of the family", Departmental Order No. 14-A of 3 September 1954 was issued by the Secretary of Labour to define this expression to include "members of the same family only, that is father, mother and children" (legitimate, illegitimate or legally adopted); proofs of relationship required of those claiming to be immediate members of the family are specified in the order. Since this order was issued widespread observance of the night work prohibition for women has been noted.

#### *Switzerland.*

For statistical information and the scope of the Factories Act, see under Convention No. 5.

The few infringements which occurred have been punished. There were three convictions for infringements of the prohibition of night work by women. The penalties imposed consisted of fines ranging from 200 to 300 francs.

#### *Syria.*

In response to the observations made by the Committee of Experts the Government supplies the following information. The approximate number of workers covered by the legislation is 11,000. There are very few contraventions of the provisions of the Convention, as industries which are operated on a three-shift system do not employ women, the latter being employed mostly in the knitwear and tobacco industries where there is no night work. Infringements of the Convention are included among breaches of the legislation and regulations relating to labour. Consequently it is very difficult to specify, as requested, the number and nature of such infringements. However, steps have been taken to supply this information in the future.

The report adds that it has not been found necessary to make use of the exceptions provided for in Articles 4 and 6 of the Convention, as night work is prohibited in all undertakings; the only exception made in this respect is that provided for in section 118 of the Labour Code.

The report from the *Union of South Africa* reproduces 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 . . . . .	29. 4.1952
Czechoslovakia . . . . .	12. 6.1950
Guatemala . . . . .	13. 2.1952
India . . . . .	27. 2.1950
Israel . . . . .	23.12.1953
Italy . . . . .	22.10.1952
Netherlands . . . . .	22.10.1954
Pakistan . . . . .	14. 2.1951
Philippines . . . . .	29.12.1953
Uruguay . . . . .	18. 3.1954

#### *Czechoslovakia (First Report).*

Eight-Hour Working Day Act of 19 December 1918 (L.S. 1919—Cz. 1).

Order of 11 January 1919, to apply the above-mentioned Act (L.S. 1919—Cz. 2).

Act No. 177 of 13 September 1946, to regulate hours of work in bakeries (L.S. 1946—Cz. 2).

Administrative Penal Act No. 88 of 1950.

Government Ordinance No. 19 of 1951.

*Article 2 of the Convention.* According to information for the period from 1 July 1951 to 30 June 1953, the Government stated that the Eight-Hour Working Day Act of 19 Decem-

ber 1918 defined night work as work done between 10 p.m. and 5 a.m. In this respect, the Government refers to its report on Convention No. 89 in which it states that the above-mentioned provision has been amended by wage decrees under which night work is defined as relating to the period between 10 p.m. and 6 a.m.

The Act of 19 December 1918 prohibits the employment at night of male young persons under the age of 16 years and of female workers under the age of 18 years. An Executive Order issued in 1945 also prohibits the night work of male young persons under the age of 18 years.

*Article 3, paragraph 2.* As regards the employment at night of students of the State labour reserve training schools and of apprentices who do not come within the scope of these reserves, the report for 1954-55 states that such young persons commence practical training in production in the last period of their final training year. They are rarely employed on night shifts and only every third week in undertakings with uninterrupted operations, with the approval of the competent ministry and in agreement with the trade union organisation. The young persons in question work from six to eight hours, so that between shifts they are assured of an uninterrupted rest of at least 16 hours.

Paragraph 4. The Act of 13 September 1946, to regulate hours of work in bakeries, stipulates that in principle no male person under 18 years of age, nor any woman, may be employed in bakeries between 10 p.m. and 6 a.m.; however, an exception may be made in case of apprentices under 18 years of age, who may be employed on preparatory work between the hours of 3 a.m. and 6 a.m. during the last six months of their apprenticeship in order to enable them to learn the preparatory work. This measure is applied only in the case of bakeries which do not operate on several working shifts. The report for 1954-55 states that it happens only very exceptionally that young persons under 18 years of age are employed in preparatory operations starting from 3 a.m.

*Article 5.* According to the information given for the period from 1 July 1951 to 30 June 1953, young workers over 16 years of age may be employed at night in those processes of industry in which there is a shortage of labour or where (by virtue of Government Ordinance No. 19 of 1951) hours of work are regulated in a manner calculated to ensure the uninterrupted transport of workers and the supplies of electric energy, gas, heat and steam; in such cases, day shifts are exceptionally replaced by night shifts.

The report for 1954-55 states that, under section 1 of Government Ordinance No. 19 of 1951, young workers over 16 years of age may be employed at night in any economic sector. The number of applications for such exceptions has been greatly reduced and at present they seldom occur. Young persons between 16 and 18 years of age are mainly employed on day shifts. There is reason to believe that exceptions will continue to diminish until it will eventually be possible to repeal the above-mentioned ordinance. The report adds that the circumstances indicated in this ordinance

should be considered as coming within the scope of Article 5 of the Convention.

*Article 6.* The Administrative Penal Act No. 88 of 1950, mentioned in the information for the period from 1 July 1951 to 30 June 1953, stipulates that any person who contravenes the rules relating to the rights of employees to leisure and, in particular, those concerning the working day or rest period, is liable to a fine or to imprisonment of not more than three months. Penalties are also imposed in the case of persons who contravene the provisions relating to the employment of young persons. Section 96 of the Ordinance of 1951 requires undertakings to keep a list of the young persons employed by them. These lists, which must specify, *inter alia*, the nature of the work in which the young persons are employed, must be submitted to the inspector on request.

The report for 1954-55 states that work rules apply to all undertakings covered by the Convention; the personnel lists kept by undertakings contain particulars of the dates of birth of persons under 18 years of age.

As regards the supervision of the application of the relevant regulations, the report refers to the information given under Convention No. 89.

#### India.

Employment of Children (Railways) Rules, 1955.  
Employment of Children (Major Ports) Rules, 1955.

In its report for the period 1953-54 the Government stated, in response to the observation made by the Committee of Experts, that the Rules under the Employment of Children Act of 1938, to permit the employment of children at night as apprentices or for the purpose of receiving vocational training, only in activities which are required to be carried on continuously, would shortly be finalised. The delay in this respect is due to the necessity for consulting the parties concerned.

In its report for the period 1954-55 the Government states that Rules under the Employment of Children Act were issued in 1955 in respect of railways and major ports; copies of both these texts are appended to the report.

According to section 4 (a) of the 1955 Rules for railways and major ports, children between 15 and 17 years of age may be employed at night in railways and ports for purposes of apprenticeship or vocational training, subject to the prior approval of the central government, which may consult such organisations of employers and workers as it considers appropriate before granting its approval. This section of the Rules also provides that every such child shall be granted a rest period of at least 13 consecutive hours between two working periods, and must be medically examined and found fit for the particular trade. Section 5 of the Rules provides that the competent authority may exercise the powers conferred upon it in order to avoid serious interference with the ordinary working of railway or major ports in cases of accident or in any other emergency which could not have been foreseen or prevented.

The 1955 Rules for railways and major ports also provide for the keeping of a register in the form laid down in the Rules; this register must



contain entries as regards names, dates of birth, hours of work and intervals of rest of children between 15 and 17 years of age.

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

Employment of Children and Young Persons Act of 15 July 1953 (L.S. 1953—Isr. 2).

*Article 1 of the Convention.* The Act applies to industrial as well as to non-industrial employment; it does not define the line of division between the different branches of employment.

*Article 2.* Section 24 (b) of the Act defines the term "night" as the period of 12 hours between 6 p.m. and 6 a.m. in the case of a child under 16 years of age, and as a period of 12 hours including the hours between 8 p.m. and 6 a.m. in the case of an adolescent (between 16 and 18 years of age).

*Article 3, paragraph 1.* Section 24 (a) of the Act prohibits the employment of a juvenile at night.

Paragraph 2. Section 25 (c) of the Act empowers the Minister of Labour to permit for purposes of vocational training an adolescent who has reached the age of 17 years to be temporarily employed at night in a place where the work proceeds continuously.

Paragraph 3. Section 26 (a) of the Act provides for a rest period of 14 hours between two working days.

*Article 5.* Section 25 (b) of the Act empowers the Minister to permit an adolescent to work at night during a national emergency if the work in the undertaking is carried on in shifts.

*Article 6.* Sections 31, 32 and 33 of the Act give effect to this Article. The relevant regulations have already been drafted and approved by the labour inspectorate. These regulations will be published after consultation with the Working Youth Council.

The Labour Inspectorate is responsible for the supervision and enforcement of the law.

During the period under review the question of the night work of young persons occurred only in the baking industry, and even there only very sporadically; in these few cases night work was eliminated without recourse being had to legal prosecutions.

#### *Pakistan.*

Employment of Children Rules of 14 January 1955.

The Government refers to the information supplied in writing to the Conference Committee in 1955. According to this information, the Employment of Children Rules have been

finalised and a copy sent to the Office; the Mines (Amendment) Bill, now in preparation, also contains provisions in respect of restrictions on the night work of young persons in case of serious emergency. The procedure for the enactment of the Bill to amend the Factories Act, 1934, is being speeded up.

During 1953, 757 children were employed in factories covered by the Factories Act; no children were employed in mines covered by the Mines Act during the period under review.

#### *Philippines (First Report).*

Act No. 679 of 8 April 1952, to regulate the employment of women and children, to provide penalties for violations hereof, and for other purposes (L.S. 1952—Phi. 1), as amended by Act No. 1131 of 16 June 1954.

The report states that sections 1 to 6 of Act No. 679, as amended by Act No. 1131, known as the Woman and Child Labour Law, deal with the employment of children under 14 years of age and young persons under 18 years of age from the point of view of the protection of their health and welfare.

Act No. 679 also contains provisions laying down the kinds and nature of undertakings, as well as the period of the year, in which children under 14, 16 or 18 years of age may be employed in light work which is not likely to prejudice their health or their school attendance. The reports adds that by the terms of this Act a medical examination is required before children are admitted to such employment, and at least every six months during the period of their employment. The written consent of the children's parents or guardians is required before they may be employed or permitted to work.

The report adds that the definition of the term "industrial undertaking" given in section 2 of Act No. 679 enumerates all the undertakings referred to in Article 1, paragraph 1, of the Convention.

The report gives the definitions of the commercial, agricultural and non-industrial undertakings, and health and welfare services which are contained in the rules and regulations which implement Act No. 679.

According to the records of the Woman and Child Labour Section of the Inspection Division of the Bureau of Labour, which is entrusted with the enforcement of the Woman and Child Labour Law, a total of 16,953 establishments employing over 11,000 minors were inspected in 1954. The Medical Division of the Bureau of Labour issued 240 permits to minors, and examined 292 minors prior to their employment in suitable occupations.

The report from *Cuba* reproduces the information previously supplied.



## 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

#### *Brazil (First Report).*

Federal Constitution, article 66.  
Legislative Decree No. 71 of 1 October 1953, to ratify Convention No. 92.  
Executive Decree No. 36378 of 22 October 1954 to promulgate the above-mentioned Legislative Decree.

In Brazil a ratified international labour Convention acquires the force of law. The present Convention was ratified by Legislative Decree No. 71 of 1953, and promulgated by Executive Decree of 22 October 1954. However, the statutory rules to give effect to the provisions of the Convention have not yet been issued. This matter, including the question of the administrative authorities to be entrusted with supervising the enforcement of the provisions of the Convention, is under consideration by the Government at the present time.

#### *Cuba.*

Commercial Code, Article 612.  
Decree No. 2318 of 1948, as amended by Decrees Nos. 1411 and 4308 of 1949.

Decree No. 2318 of 1948 classifies ships as workplaces and applies to them the general provisions regarding hygiene and social security. This process is the result of a well-defined legislative trend to make no exceptions with regard to seamen.

Section 612 of the Commercial Code makes it compulsory for the captain to be in possession of a health clearance certificate, which is not issued unless it is proved that the ship meets the necessary standards of hygiene for the maintenance of the health of the crew.

Excerpts from the collective labour agreements concluded by the various maritime employers with seamen's, stokers' and other workers' unions are appended to the report.

#### *Finland.*

The report contains in an appendix a copy of the statement made by the Government in

writing to the Conference Committee in 1955, in response to the observations made by the Committee of Experts.

#### *Norway.*

On 18 June 1955 the Ministry of Industry, Handicrafts and Shipping instructed ship inspectors to take measures to ensure that the inside sheeting of rooms in older ships be brought into line as far as possible with the stipulations laid down in the Order of 2 July 1948 respecting crew accommodation on board ships, and that existing berths in older ships be replaced by berths of the required dimensions.

#### *Poland (First Report).*

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

Section 21 of the above-named Act provides that the Minister of Shipping shall, in agreement with the Minister of Health and after consulting the Trade Union of Shipping Workers, prescribe the standards for the dimensions and layout of living, recreation and sanitary accommodation, so as to ensure the welfare and health of the crew on board.

Regulations in pursuance of this provision are now being drafted by the Ministry of Shipping, in consultation with the Polish shipping registration authority, which is responsible for the classification of vessels; these regulations will be issued shortly.

A special committee on the welfare and labour protection of seafarers has been set up for the purpose of ensuring that the regulations in question comply with the provisions of the Convention.

#### *Portugal.*

The report states that the internal legislation corresponding to the provisions of this Convention is still awaited.

#### *Sweden.*

In August and September 1954, one of the biggest shipyards in Sweden, the Eriksbergs Mekaniska Verkstad a. b., requested the Board of Trade to grant permission to dispense with mosquito doors in respect of three ships under construction, provided that air-conditioning was installed in the accommodation and that doors to the open deck were fitted with automatic door-closers (Article 15, paragraph 3, of the Convention). After consultation with the organisation of shipowners and the bona fide trade

unions of seafarers, the Board informed the above-mentioned shipyard on 10 December 1954 that it had no objection to the proposal in question, provided that measures were taken to ensure the functioning of the air-conditioning installation under all circumstances. In accordance with the provisions of Article 1, paragraph 5, of the Convention, the Board of Trade informed the Director-General of the International Labour Office of this decision.

#### *United Kingdom (First Report).*

Merchant Shipping Act, 1948 (L.S. 1948—U.K. 3).

Merchant Shipping Act, 1952.

Merchant Shipping (Crew Accommodation) Regulations, 1953, as amended in 1954.

*Article 1 of the Convention.* The Regulations apply generally to all British ships registered in the United Kingdom as well as any ship which, after 1 January 1954 (the date of entry into force of the Regulations), is being constructed to the order of a person qualified to be the owner of a British ship and has not been registered in the United Kingdom or elsewhere. Exceptions are provided for fishing boats, ships belonging to a general lighthouse authority, and pleasure yachts; exemption may be granted for whaling ships, tugs, and ships under 200 tons in circumstances where compliance is considered unreasonable or impractical. Additional exemption or variations from the requirements of individual regulations may be approved for ships of under 500 tons, and procedure also exists (after the appropriate consultations have taken place with shipowners' organisations and seafarers' trade unions) for granting exemption to any ship in which the over-all standards of crew accommodation are equivalent or superior to those laid down in the Convention. No use of the exceptions provided under paragraph 5 of Article 1 has hitherto been made.

*Article 2.* All necessary definitions are contained in Regulation 1 and in the Merchant Shipping Acts.

*Article 3.* The competent authority is the Minister of Transport and Civil Aviation; persons held generally responsible for compliance with the Acts and the Regulations are the owner and/or the master of the ship, and penalties for breach of the Regulations comprise fines of up to £100 or disallowing part or all of the crew accommodation space to be deducted from the gross registered tonnage of the ship until the defects concerned are put right.

*Article 4.* The provisions of this Article are covered by Regulation 3 (1), (2) (a) and (b), and (3).

*Article 5.* Section 3 (1) of the Merchant Shipping Act, 1948, and Regulation 35 (a), (b), (e) and (f) apply. Crew accommodation is to be inspected upon request by the owner of the ship or by organisations representing the owners of British ships or the seafarers concerned; or upon a specific complaint in writing signed by a member of the crew (in the case of a ship of under 1,000 tons) or by three members of the crew of ships over 1,000 tons, and lodged at least 24 hours before the ship is due to sail,

unless the ship remains in port for less than 24 hours.

*Article 6.* The Regulations contain detailed provisions concerning protection from weather, construction of bulkheads and panelling, insulation, fire protection, flooring and drainage, which deal with the various requirements of this Article.

*Article 7.* This is covered by Regulation 12 (ships under 500 tons may be exempted, as also galleys situated on an open deck and exposed to the weather at the fore-end and on the port and starboard sides).

*Article 8.* This is covered by Regulation 10: the heating system must be capable, when the ventilation system is working so as to supply at least 15 cubic feet of fresh air per minute for each person whom the room or accommodation is designed to accommodate at one time and the outside air temperature is 30° F., of maintaining a temperature of 67° F. in ships regularly employed otherwise than as home-trade ships, and 60° F. in the case of any other ship. The temperature in water closets need not be maintained at more than 10° above the ambient temperature.

*Article 9.* This is covered by Regulations 11 and 2 of the amending Regulations (ships under 500 tons may be exempted).

*Article 10.* The various provisions of this Article are applied by Regulations 4, 5, 15, 16, 17 and 18.

*Article 11.* This is covered by Regulations 19 and 20.

*Article 12.* This is covered by Regulation 21, as amended by Regulation 2 of the amending Regulations.

*Article 13.* The several provisions of this Article are applied by Regulations 6, 10, 11, 12, 23, 24, 26 and 27. The maximum quantity of fresh water to be available per member of the crew for each day likely to elapse between successive replenishments is fixed at 10 gallons.

*Article 14.* This is covered by Regulations 31 and 32.

*Article 15.* The various provisions of this Article are covered by Regulations 9, 22, 26 and 33.

*Article 16.* No regulations have been made to modify the standards prescribed in the Convention; the Minister may, under Regulation 38 (a), exempt individual ships in which special groups of ratings are accommodated according to their distinctive national habits and customs, subject to messrooms, sanitary accommodation and hospitals being equal or comparable in standard to that required by the Regulations. No modifications are approved which conflict with paragraphs 2, 3 and 4 of this Article.

*Article 17.* This is covered by Regulation 34.

*Article 18.* This is covered by section 2 (1) (b), (3), (4) and (5) of the Merchant Shipping Act of 1948, and by Regulation 2. During the period under review modifications

have been required to be made to the crew accommodation of 31 ships covered by this Article.

The manner in which the Convention is applied in the United Kingdom is a continuation of the practice which was followed before the Convention came into force, i.e. for the Ministry of Transport and Civil Aviation to consult the National Maritime Board on questions of crew accommodation. Although the Convention's provisions are considered to be less flexible than the previous instructions issued to ship surveyors and difficulty is sometimes experienced

in applying them to individual ships, particularly in older ships which have become subject to the Convention, both shipowners' and seafarers' representatives have co-operated readily as regards consultation and it has been observed from the plans of new ships that standards of crew accommodation are steadily improving.

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

*Denmark, France, Ireland.*

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
Bulgaria . . . . .	7.11.1955
Cuba . . . . .	29. 4.1952
Denmark . . . . .	15. 8.1955
Finland . . . . .	22.12.1951
France . . . . .	20. 9.1951
Guatemala . . . . .	13. 2.1952
Israel . . . . .	30. 3.1953
Italy . . . . .	22.10.1952
Netherlands . . . . .	20. 5.1952
Philippines . . . . .	29.12.1953
United Kingdom . . . . .	30. 6.1950
Uruguay . . . . .	18. 3.1954

*Austria.*

In accordance with a decision taken by the Council of Ministers on 11 October 1955, responsibility for drafting new regulations to govern public supplies and public works has been entrusted to the Federal Ministry of Commerce and Reconstruction, acting in concert with the other federal Ministries.

In accordance with the Convention, the relevant labour clauses will be incorporated in these regulations, so that workers will not have conditions of employment less favourable than if they had been engaged by private contractors.

*Belgium.*

Belgian labour legislation is applied to all workers without any distinction. The supervision and inspection of the application of the labour legislation is carried out without distinction in all undertakings, whether or not they are working under a contract of the public authority.

Wages are fixed by collective agreements concluded in joint committees, which exist in almost all branches of industry, commerce and agriculture. Collective agreements may be made compulsory by means of a Royal Order. They apply to all the workers in the undertakings which are within the province of the joint committee concerned, whether or not the undertakings are working under a contract of the public authority.

The specifications might indeed contain a pro-

vision guaranteeing the workers covered by the Convention conditions of work equivalent to those of other workers, if the workers covered by the Convention were outside the scope of the labour legislation or of the collective agreements concluded in the joint committees. As this is not the case, however, the guarantee given to these workers by the labour legislation appears to the Government much more effective than a contractual provision inserted in the specifications would be.

*Cuba.*

The Government states that no special legislation has been passed as it is of the opinion that ratification of the Convention did not call for any amendments in the existing law. Since the promulgation in 1916 of the legislation on industrial accidents the practice has been followed of considering the State, provinces and municipalities as being the employer when those bodies award public contracts.

This practice, as was pointed out in the previous report, was given legal recognition in section 4 of Decree No. 798 of 1938. Similarly the system in force is that of applying the labour legislation without exceptions. As the Constitution covers all manual and intellectual workers with the exception of civil servants and public employees (to whom a special system is applicable) it is not considered necessary to reiterate in public contracts each and every one of the advantages granted by the Constitution and the legislation.

Article 78 of the Constitution states that the employer is "responsible for compliance with the social laws, even when labour is contracted by an intermediary agency".

The workers' organisations are consulted only when labour is hired directly.

Apart from the registered collective agreements which have the force of law, protection for wages is derived from articles 62, 63 and 64 of the Constitution.

The applicable penalties are set forth in section 575 of the Social Protection Code.

*Finland.*

A copy of the information supplied to the Conference in 1955 with regard to this Convention is appended to the Government's report.

*France.*

Decrees Nos. 55-257 and 55-258 of 12 February 1955, to amend sections 3 and 4 of the Decrees of 10 April 1937.

Decrees Nos. 55-257 and 55-258 of 12 February 1955 amended sections 3 and 4 of the Decrees of 10 April 1937 concerning conditions of employment in labour clauses in contracts entered into on behalf of the ministries and the municipalities.

On the one hand these enactments are intended to provide safeguards in the fixing of wages for homeworkers working on behalf of undertakings that have concluded contracts with the ministries or municipalities.

On the other hand these decrees make it possible for the Labour Inspection Service to carry out a check on the wages paid to workers on outdoor projects or in workshops and to homeworkers, if any, engaged by firms tendering for contracts when the specifications contain clauses relating to wages.

The Committee of Experts requested information on the manner in which the laws and regulations are brought to the notice of the persons concerned. The current standard wage scales laid down by the Prefects must be posted up at the worksites and in workshops where the work is carried on, in accordance with section 3 of the Decrees of 10 April 1937.

The same section provides that the decrees laying down rates and times for piece work done at home must be permanently posted up in the waiting rooms and also in those places in which raw materials are issued to the workers and in which the finished products are received.

*Italy.*

Legislative Decree No. 405 of 18 October 1946.

Act No. 40 of 19 February 1949.

Ministerial Decree of 8 November 1949.

Circular No. PAG.31.3.13700 of 30 November 1952.

Presidential Decree No. 395 of 27 April 1955.

All the above texts relate to railway concessionaries (*assuntori ferroviari*).

The above-mentioned texts contain measures relating to *assuntori ferroviari* (i.e. non-established workers such as caretakers, lavatory attendants, persons in charge of premises used by railway workers, level-crossing keepers, ticket agents, etc.). The purpose of the Ministry of Labour in adopting these measures was to extend to the workers in question the same conditions of remuneration and social security benefits as are enforced for its own employees.

Circular No. 30302 of 20 December 1950 laid down that a special clause must be inserted in the terms and conditions governing concessions for long-distance motorbus lines, the purpose of this clause being to secure the enforcement of the legal provisions and national collective agreements which determine the legal status, remuneration, hours of work and social security rights of workers employed in public utility motorbus services. The circular also provides that non-compliance with the above-mentioned requirements constitutes a serious administrative irregularity and may lead to cancellation of the concession as provided for in section 34 of Act No. 1822 of 28 October 1939. The penalties provided for in deeds of con-

cession for long-distance motorbus lines do not include the suspension of payments but rather the cancellation of the concession under Act No. 1822. The clause on the application of collective agreements for the particular group in question is not inserted in the contract but in the deeds of concession of long-distance bus lines.

The Committee of Experts particularly noted the passage in last year's report which pointed out that with the passing of the Trade Union Act, which would make collective agreements concluded in accordance with article 39 of the Italian Constitution legally binding *erga omnes*, it would no longer be necessary to insert the type of labour clause required by the Convention in public contracts. This statement was intended to stress the fact that, upon the adoption of universally binding collective agreements, all employers, whether or not they were official contractors and whether or not they were members of the industrial associations entering into the collective agreements, would be bound to observe and apply the collective agreement concluded for the trade group to which they belonged. Accordingly the insertion of the labour clause in public contracts would appear to be superfluous. Clearly, if public works contractors are compelled under the Act in question to comply with all the provisions in the agreement for their trade group, including the clauses called for in the Convention, by virtue of the binding force of the collective agreement itself, it would not seem necessary to impose that obligation afresh by a clause in the public contract.

This problem, however, is not an issue at the present time and will be carefully examined in due course, when account will naturally be taken of the comments made by the Committee of Experts.

With regard to the remarks dealing with (a) the notices to be posted up in workplaces in order to inform the workers of their conditions of work, and (b) the maintenance of adequate records of the time worked by, and the wages paid to, the workers, the situation is as follows:

Effect is given to point (a) above by the Regulations for the application of Royal Legislative Decree No. 692 of 15 March 1923 respecting the limitation of hours of work. Section 12 of these Regulations provides that:

In every industrial or commercial undertaking and in every other workplace covered by the provisions of these Regulations, a timetable specifying the hours at which work begins and ends, the workers employed, and the time and duration of the breaks allowed during the period of work, shall be affixed in a manner such as to be easily seen and in a place accessible to all the employees concerned.

If the timetable is not the same for all employees, the particulars mentioned in the preceding paragraph shall be entered on the separate timetables for parts of the undertaking or for certain trade groups or grades of the staff.

If work is performed in shifts, the particulars indicated above shall be given for each shift.

Where it is impossible to affix the timetable at the workplace because the work is performed in the open air, the timetable shall be affixed at the place where wages are paid.

A copy of the timetable, signed by the employer or by his legal representative, shall be sent to the Inspectorate of Industry and Labour for the district concerned, and all subsequent alterations shall also be communicated to the said Inspectorate.

Mention should also be made, in connection with point (a), of Act No. 4 of 5 January 1953, which provides in section 1 that :

When paying their employees, other than managerial personnel, it shall be compulsory for employers to hand their employees a pay slip showing the Christian name and surname and occupational title of the worker, the period to which the payment relates, the family allowances and all other factors whatsoever included in the said pay slip as well as separate details of each deduction.

This pay slip must bear the signature, seal or stamp of the employer or the person acting on his behalf.

Each item on the pay slip must correspond exactly to the entries in the wage book or similar record covering the period in question.

The pay slip must be handed to the worker at the same time as he receives his remuneration.

Lastly, it should be noted that the collective labour agreements make it compulsory for employers to inform their workers of the terms and conditions applicable to the employment relationship.

With regard to point (b), Regulations No. 200 of 25 January 1937 provide that the employer must maintain a wage book containing the following particulars in respect of each worker : Christian name, surname and registration number ; the number of hours worked each day with separate details of the number of hours of overtime ; the wages actually paid in cash and the wages paid in other forms.

As regards the judicial decisions handed down on this subject, mention should be made of the judgment of 24 May 1954 (*Mass. Giurisprudenza del Lavoro*, 1954, p. 197) by the Rome Tribunal. This judgment found that the obligation to apply collective labour agreements, when included in the terms and conditions for the concession of a public service, extends also to

employees who are not members of the occupational organisations, inasmuch as the insertion of the clause in question by the National Government constitutes a contract in favour of third parties.

On the basis of the average of the last three years the number of contracts for the supply of work and services on behalf of the State railways, and which therefore contain the labour clauses, may be estimated at about 25,000 a year. This figure includes contracts entered into throughout the whole railway network. On the other hand, the agreements entered into with the railway concessionaries total some 7,000 per year.

#### *Netherlands.*

The Government states that, although this is superfluous in view of the nature of the Netherlands legislation, a clause is generally inserted in the specifications for public contracts providing that the wages and other conditions of work in force must be applied when the work in question is being carried out.

#### *Philippines (First Report).*

Act No. 3688 for the protection of persons supplying material and labour for the construction of public works.

Act No. 602 of 6 April 1951 to establish a Minimum Wage Law, and for other purposes (L.S. 1951—Phi. 1).

Commonwealth Act No. 444 to establish an Eight-Hour Labour Law.

The report states that Act No. 3688 meets the provisions of the Convention ; it requires any person or corporation entering into a formal contract with the Government for the construction, repair or prosecution of any public works to execute, before commencing such work, the usual penal bond with the obligation to make prompt payments to all persons supplying them with materials or labour.

The Minimum Wage Law and the Eight-Hour Labour Law are of general application. Their provisions are implicitly incorporated into and enforceable in respect of public works contracts.

#### *United Kingdom.*

The report contains information concerning a number of complaints alleging non-compliance with the terms of the Fair Wages Resolution of the House of Commons.

## 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
Bulgaria . . . . .	7.11.1955
Cuba . . . . .	29. 4.1952
Ecuador . . . . .	6. 7.1954
France . . . . .	15.10.1952
Greece . . . . .	16. 6.1955
Guatemala . . . . .	13. 2.1952
Italy . . . . .	22.10.1952

Countries	Date of registration of ratification
Mexico . . . . .	27. 9.1955
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

*Cuba.*

The Government states that since the adoption of the Act of 23 June 1909, which is still in force, payment in any form other than money that is legal tender has been prohibited. The provisions of the Act are applied by section 47 of Decree No. 798 of 13 April 1938 and are given greater legal force by article 64 of the Constitution.

As the payment of wages in any form alleged to represent legal tender is prohibited there is no question of such payment being made in the form of alcoholic liquors or noxious drugs.

The principle of deductions for board and lodging is based on section 6 of Resolution No. 61 of 1944 which provides as follows: "Deductions for board and lodging shall continue to be governed by the rules laid down in implicit or express contracts existing at this date, provided that the sum deducted under these agreements does not exceed 40 per cent. of the wage on the two counts or 20 per cent. if it relates only to lodging."

The report also states that under Resolution No. 587 of 1942, which is applicable to the sugar industry, an employer who provides a worker with accommodation without charging rent may deduct as much as 20 per cent. from his wages.

The Government states that no works or estate stores have been set up for the sale of commodities.

The statutory deductions are those prescribed by the Pensions Acts and the compulsory trade union contribution.

The report states that payment in taverns or other similar establishments is restricted to persons employed therein and that section 47 of Decree No. 798 mentioned above makes it compulsory to pay wages on a working day and at the place of work.

All employers must keep books and record the sums paid to each worker. The books are to be kept up to date and shown to the inspectors of the Ministry of Labour.

The Government confirms the statements made in its previous report and asks that it should be given actual examples of the points on which Cuban legislation is not in accordance with the provisions of the Convention it has ratified.

*France.*

*Article 4 of the Convention.* 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. According to the Government this imperative provision of French law would obviously not allow wages to be paid in the form of alcoholic liquor or noxious drugs; moreover, the reports of the labour inspectors have never recorded any difficulties in regard to this matter.

*Article 9.* The Government states that the difficulties which the prohibition of deductions from wages included in section 51 (a) of Book I of the Labour Code was designed to eliminate were never met with except in the estab-

lishments enumerated in the section in question. A legislative provision to extend this prohibition to all undertakings would consequently be purposeless. The Government points out that no complaint has ever been made by the workers' trade union organisations with regard to a breach of the principle stated above in any undertakings other than those included in the above-mentioned section 51 (a) and that the reports of the labour inspectors have never mentioned any difficulties in this connection in undertakings other than those mentioned in that section.

The report also states that the prohibition in section 51 (a) is considered as a principle of general application.

*Article 11.* As from 1 January 1956 wage debts will have priority over other creditors: (1) with regard to real property, with the exception of (a) funds of the Public Treasury; (b) legal costs; (2) with regard to personal property, with the exception of (a) funds of the Public Treasury; (b) legal costs; (c) funeral expenses; (d) costs of the last illness; (e) nurses' fees for infants reared outside the home.

The report states that the privileged debt of wages extends to the indemnities provided by section 23 of Book I of the Labour Code either for non-observance of the period of notice or for the improper cancellation of the employment contract. Furthermore, the special privilege provided by section 47 (a) applies to the indemnity payable owing to non-observance of the period of notice.

The French Confederation of Christian Workers submitted observations in regard to the application of Article 11 of the Convention; it considers that the provisions of the metropolitan Act which are devoted to privileged wage debts in the event of bankruptcy or judicial liquidation of the employer are inadequate.

The Government observes that if it is a question of considering the conformity of national legislation to the Convention it could be judged that the *de jure* situation in France is not contrary to the requirements of the international Convention. Article 11 of the Convention indeed provides that national legislation shall determine the relative priority of wages constituting a privileged debt and other privileged debts.

*Italy.*

In reply to the observations of the Committee of Experts concerning Articles 7 and 15 of the Convention, the Government reproduces the information supplied in writing to the Conference Committee in 1955.

With regard to Article 7 the Government adds that the supervision carried out by the works committee affords every safeguard and rules out the existence of profit motives on the part of the employer. However, in order to satisfy the Committee of Experts, the Conference Committee and, above all, the workers, and also to dispel any doubt which might persist in this connection, the Ministry of Labour has ordered an inquiry to be carried out through its local branches to ascertain the reasons leading to the establishment of company shops or

commissaries in Italy, to investigate the various ways in which such company concerns are run, the existing safeguards for workers, their interest in the setting up and maintenance of such shops, the supervision exercised by the workers themselves in this connection and the profit-making motives, if any, in the case of management by the employer. The results of this inquiry, which is now in progress, will be communicated to the Committee of Experts.

#### *Netherlands.*

In reply to the request for supplementary information made by the Committee of Experts with regard to the maintenance of records of the wages paid (Article 15 (*d*) of the Convention), the Government states that in the Netherlands employers are obliged to maintain payroll statistics under the following statutory provisions: (*a*) section 6 of the Commercial Code, which lays down a general obligation for commercial and industrial undertakings to keep accounts which give information as to their assets and liabilities; (*b*) requirements under the wage tax legislation; and (*c*) requirements under the social insurance legislation.

#### *Philippines (First Report).*

Act No. 602 of 6 April 1951 to establish a Minimum Wage Law, and for other purposes (L.S. 1951—Phi. 1).

Commonwealth Act No. 303.

Code of Civil Procedure, as amended by Act No. 3960.

Insolvency Law, as amended by Act No. 3962.

Act No. 602 and the Commonwealth Act No. 303 prescribe *inter alia*, the time, manner and place of payment of wages, and prohibit the obliging or forcing of workers to purchase merchandise under certain conditions, as well as the payment of their wages by means of tokens other than the legal tender. In special circumstances and where it is customary, Act No. 602 authorises the payment of wages by bank or postal cheque or money order. Under this Act it is unlawful to pay such wages in the form of promissory notes, vouchers, coupons, etc. Further, according to the Act, wages must be paid directly to the worker except in cases of *force majeure*, or when premiums on insurance contracted by the employer for the benefit and with the consent of the worker have to be paid or when check-off money has to be collected.

Section 375 of the Code of Civil Procedure provides for the right to preferential payment of wages in the event of judicial liquidation or bankruptcy proceedings. Wages must be paid after expenses for the administration of the estate, funeral and last sickness expenses have been met. Section 50 of the Insolvency Law makes a similar provision.

Act No. 602 prohibits deductions from wages of employees except under authority of law. Employees cannot be required by the employer

to make deposits from which deductions shall be made for the reimbursement of loss of or damage to tools, materials or equipment supplied by the employer, unless an authorisation has been obtained from the Secretary of Labour. The authorisation to make deductions from wages shall be based upon a finding that the practice of making deductions is a recognised one or that it is necessary in the trade or occupation concerned. The authorisation shall be subject to the following conditions: the employee concerned must be informed of the extent to which and the condition under which the deduction may be made; he must be clearly shown to be responsible for the loss or damage and he must be given a reasonable opportunity to defend himself; the deduction should be proportionate to the actual loss or damage and realised in amounts not exceeding in any week 20 per cent. of the employee's wage for that week.

The Act provides that wages shall be paid not less often than once every two weeks or twice a month at intervals not exceeding 16 days. Where payment is by task, requiring more than a fortnight's work, payment shall be made on account, with the same frequency unless otherwise provided by agreements or awards. The final settlement of payments by task shall be made within two weeks of the completion of the task.

Wages shall be paid at or near the place of the undertaking unless otherwise provided by rules and regulations.

Act No. 602 provides that employees should be informed at the time of entry into employment of the wage conditions, including the rate of wages payable, method of calculation of wages, periodicity of wage payments and any changes in those conditions.

The Government states that it does not propose to exclude any class of persons from the application of the provisions of the Convention.

The Wage Administration Service of the Department of Labor is entrusted with the enforcement of the Minimum Wage Law which includes the protection of wages.

#### *United Kingdom.*

The Mines and Quarries Act, 1954, has been enacted by Parliament, but no order has yet been made bringing it into force. When this is done workers in Great Britain previously protected by the Metalliferous Mines Act, 1872, and the Coal Mines Act, 1911, will instead be protected by the Payment of Wages in Public Houses Prohibition Act, 1883.

There are now 60 Wages Councils in Great Britain.

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

*Austria, Norway.*



## 96. Fee-Charging Employment Agencies Convention (Revised), 1949

*This Convention came into force on 18 July 1951*

Countries	Date of registration of ratification
Bolivia <sup>1</sup> . . . . .	19. 7.1954
Cuba <sup>1</sup> . . . . .	3. 2.1953
Finland <sup>1</sup> . . . . .	22.12.1951
France <sup>1</sup> . . . . .	10. 3.1953
Federal Republic of Germany <sup>1</sup> . . . . .	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</sup> . . . . .	29. 6.1950
Pakistan <sup>1</sup> . . . . .	26. 5.1952
Poland <sup>1</sup> . . . . .	25.10.1954
Sweden <sup>1</sup> . . . . .	18. 7.1950
Turkey <sup>2</sup> . . . . .	23. 1.1952

<sup>1</sup> Has accepted the provisions of Part II.

<sup>2</sup> Has accepted the provisions of Part III.

#### *Cuba (First Report).*

Act No. 148 of 7 May 1935.

Act No. 191 of 28 May 1935.

Legislative Decree No. 203 of 5 September 1935.

*Article 1 of the Convention.* The definition of employment agencies appearing in Act No. 191 of 1935 is in agreement with that given in the Convention.

*Article 2.* Under section 19 of this Act, no new private agencies could be established. The only existing private agencies at that time catered for domestic workers.

*Article 3.* At present the only existing employment agencies are those of the free public employment service.

*Article 4.* In principle, private agencies authorised under Act No. 191 of 1935 remained subject to the supervision of the Ministry of Labour.

*Article 5.* No exceptions have been granted.

*Article 6.* Trade unions carry on placement activities when workers are not freely recruited by employers, who are under legal obligation to select applicants from the lists submitted by the public placement offices.

*Article 7.* There are no private agencies of any kind in Cuba.

*Article 8.* Penalties are provided for in section 21 of Act No. 191 in case of contravention of the provisions of that Act.

*Article 9.* No exceptions have been granted.

*Article 15.* This does not apply to the Republic of Cuba.

The Ministry of Labour, its provincial offices and the employment offices are responsible for ensuring application of the legislation in this field.

Private employment agencies are contrary to Cuban tradition. Employers have always insisted on recruiting their workers directly. Trade unions have claimed and to a certain extent

obtained the privilege of providing employment. Under certain collective agreements they have a right to supply employers with a certain proportion of their personnel (50 per cent. and over). Under these circumstances private employment agencies had practically ceased to exist even before the adoption of Act No. 191 of 1935.

#### *Finland.*

As regards the observations made by the Committee of Experts in 1955, the report refers to the information submitted in writing to the Conference Committee, to the effect that private placing activities, whether or not conducted with a view to profit, are entirely prohibited under the legislation in force so that no private person may engage in either national or international placing activities in Finland.

#### *France (First Report).*

Ordinance No. 45-1030 of 24 May 1945 respecting the placing of employees and the supervision of employment (L.S. 1945—Fr. 7).

Ordinance No. 45-2658 of 2 November 1945 respecting the conditions of entry and residence in France of aliens, and setting up a National Immigration Office.

The Ordinance of 24 May 1945 respecting the placing of employees laid down in principle that fee-charging employment agencies conducted with a view to profit should be completely abolished. However, the fee-charging employment agencies which were in regular operation before 24 May 1945, which held a licence issued by the Ministry of Labour and Social Security and which had always operated in accordance with the rules and regulations respecting private placing were authorised to remain open provisionally, provided they applied to the Ministry for permission within two months of the date of publication of the ordinance.

France has accepted Part II of the Convention.

The ordinance cited above states that fee-charging employment agencies are to be abolished within one year. As regards the theatrical profession and domestic service, however, this limit has been extended from year to year by decree. These are special occupations for which public placing machinery is not as yet sufficiently developed in France. The other fee-charging employment agencies have not as yet actually been closed, since most of them would have to be indemnified at the time of their closure and the French Government does not possess the necessary funds to buy them out. They will be bought out as soon as the sums voted for the Ministry of Labour and Social Security are sufficiently large.

The fee-charging employment agencies that are still provisionally in existence are supervised by the public manpower services. The Inspectors of Labour and Manpower and the police are jointly responsible for discovering



contraventions of the provisions of the Ordinance of 24 May 1945 and for launching the necessary prosecutions. The police superintendent of the particular urban or rural district concerned checks and initials the two registers—the one of applications for employment and the other of notified vacancies—which are to be kept by any person leasing, managing or supervising a registered or authorised employment agency.

The municipal authority lays down the scale of fees payable to the agent. These fees may in no case be charged to the workers, being due exclusively from the employers.

The introduction of foreign labour into France and the recruitment of French nationals for employers living abroad are the exclusive monopoly of the National Immigration Office, which was set up under the Ordinance of 2 November 1945 and is attached to the Ministry of Labour and Social Security. Such operations by any individual or by a body other than this Office are prohibited.

Free employment agencies, for example those set up by employers' and workers' organisations, labour exchanges, mutual provident societies and associations of former pupils or students and which were in regular operation prior to 24 May 1945, have been allowed to remain open provided they obtain permission, but no new agencies of this type will be opened. Those that are still in operation are required to supply the manpower service at monthly intervals with statistics of the number of notified vacancies and applications for employment received as well as of the number of placements.

Any person infringing the provisions of sections 2 and 3 of the Ordinance of 24 May 1945 is liable to imprisonment for between six days and six months or to a fine of between 500 and 5,000 francs, or both. These penalties are doubled in case of a further offence. The immediate closure of private or fee-charging employment agencies may be notified by order of the Ministry of Labour and Social Security.

#### *Netherlands.*

In reply to the observations made by the Committee of Experts the Government has supplied the following information :

*Article 5, paragraph 2 (d) of the Convention.* The placement and recruitment of workers by fee-charging employment agencies is, generally speaking, covered by the Placement Act of 1930. As a result, the authorities could restrict such agencies to placing workers inside the country. This has not been done in the case of musicians and performers (international placement being implicitly authorised in the case of these occupa-

tions) because the Government holds the view that the employment of this class of workers should be approached from an international rather than a national standpoint.

*Article 6 (c).* The same applies to non-profit-making fee-charging agencies, which place and recruit abroad performers or workers for other occupations, particularly domestic workers. The placement of workers abroad is, in any case, almost non-existent, vacancies usually being filled through recruitment by the employment service of the foreign country concerned.

Only nine persons are at present authorised to run profit-making employment agencies (eight for performers and one for domestic workers). The number of persons placed by them in 1954 was 4,100 in the case of performers and musicians and 304 in the case of domestic workers.

#### *Norway.*

During the period under review only one case of illegal private placement activities was reported, but as the person concerned was willing to cease these activities at once the case was dismissed.

#### *Pakistan.*

The Government is collecting the information asked for by the Committee of Experts and will supply it in due course. It does not feel that the Committee has made any observation which may call for any action to settle the points in question.

#### *Sweden.*

In 1954 there were 30 private employment agencies holding licences to conduct a fee-charging employment agency. On 1 January 1955, this number had decreased to 13; this decrease is due mainly to the fact that numerous applications for the extension of licences expiring in 1954 were rejected under the Act of 14 May 1954. At the same time agencies holding licences for fee-charging placement operations not conducted with a view to profit had increased from 20 to 21 by 1 January 1955.

#### *Turkey.*

The Bill, mentioned in last year's report, which is designed to regulate the activities of intermediaries between workers and employers with a view to giving full effect to the principles set out in the Convention has not yet been enacted. When it is enacted, a copy will be communicated in accordance with the request made by the Committee of Experts and full information will be supplied on the application of the provisions of Part III of the Convention.

## 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>2 3</sup> . . . . .	22. 1.1951
Uruguay . . . . .	18. 3.1954

<sup>1</sup> Has excluded the provisions of Annex II.

<sup>2</sup> Has excluded the provisions of Annex I.

<sup>3</sup> Has excluded the provisions of Annex III.

### Belgium (First Report).

Royal Order of 31 March 1936, to supplement and co-ordinate existing provisions with regard to the employment of foreign workers.

Ministerial Order of 1 April 1936 to apply the above-mentioned Royal Order.

*Article 1 of the Convention.* The Belgian Government has at regular intervals supplied information regarding the various matters with which this Article deals, including recruitment plans, the employment situation, the manpower shortage, opportunities for immigration and conditions of work and livelihood of migrants for employment.

The other member States receive information either in accordance with the provisions of the relevant manpower recruitment agreements concluded by Belgium, or under the Brussels Treaty, or, as regards other European States, through the Organisation for European Economic Co-operation, or, as regards any other member State, on request.

*Article 2.* Belgium has a free public employment service organised through the Manpower Directorate which is attached to the Directorate-General of Social Welfare and Social Security of the Ministry of Labour and Social Welfare and through the National Employment and Unemployment Office, which is one of the bodies set up to apply the social security scheme. The secretariats of these two bodies have special offices responsible for the reception of the immigrants, supplying them with accurate information and receiving their applications for employment, without charge.

There is also a Migration Department within the National Employment and Unemployment Office which is responsible for dealing with all organisational matters relating to manpower movements.

*Article 3.* The Belgian Government considers that the best way of countering or preventing misleading propaganda is to supply and distribute an abundance of official information. Such information is prepared and distributed at regular intervals.

Workers wishing to emigrate may obtain information without charge from the Ministry of Foreign Affairs (Chancellery Division) and from the regional offices of the National Employment and Unemployment Office. From time to time the Ministry also sends out through the press notices to warn would-be emigrants with regard to certain misleading types of propaganda.

As regards immigration by individuals, those concerned may apply without charge to diplomatic or consular offices abroad or, if they are in Belgium, to the offices of the Ministries of Foreign Affairs and Labour.

As regards collective immigration for work in the coal mines, the Italo-Belgian Protocol and the Belgo-German Agreement ensure that the information distributed among those concerned shall be entirely trustworthy. There is no agreement or protocol for Greek workers recruited for the mines, but they are given the same contracts of employment as are given to Italian workers, and these contracts ensure that they will receive much the same terms. The standard contract of employment for German, Greek and Italian miners gives all the necessary details with regard to living and working conditions.

Under the Brussels Treaty information is exchanged every month on labour supply and demand in the States concerned. The information includes a description of the work to be done, a statement of the prescribed or preferred age brackets, particulars of the temporary or permanent hours of work and of accommodation, the languages spoken and the occupational qualifications required as well as accurate information on living conditions, the cost of living, trade union rights, deductions for social security contributions and so forth. The employment services also distribute specially collected information through a bulletin on international exchanges which is distributed to the employment offices.

*Article 4.* The detailed arrangements for the departure, journey and reception of migrants for employment in Belgium are made by bilateral conventions, recruitment protocols and agreements, or under the Brussels Treaty through co-operation between the employment services in the countries concerned.

As regards emigration the Act of 14 December 1876, which is supplemented by the Act of 7 January 1890 and by a Royal Order of 25 February 1924, makes detailed arrangements for the protection of persons wishing to emigrate, the medical service for such persons, the duties and obligations of recruiting and transport agents and everything connected with the supervision of emigration.

*Article 5.* The medical service for emigrants which has been organised under and in accordance with the above-mentioned Order of 25 February 1924 is expected to give the emigrants protection in respect of any matter that may

affect the state of their health until they actually go aboard ship.

For individual immigration each immigrant must submit before entering Belgium a medical certificate issued by a doctor selected by the Belgian diplomatic or consular agent who is stationed nearest to the applicant's place of residence. Immigrants entering the country collectively for employment in the mines are medically examined on a number of occasions as required by the agreements.

*Article 6.* The report affirms that immigrant workers are legally on the same footing as Belgian nationals with regard to conditions of work, membership of trade unions, taxes and legal proceedings; in all respects foreign workers are treated like Belgian workers.

Workers from countries that have signed treaties with Belgium regarding the residence of their nationals have the same rights and benefits as Belgians as regards the acquisition, possession, leasing and disposal, whether free of charge or subject to payment, of real estate, including smallholdings in town or country. They are not eligible, however, for any bonuses or other benefits that may be granted to the builders or purchasers of low-cost housing. The report states that a series of measures to promote the stability of foreign labour in Belgian coal mines by facilitating the purchase of real estate were recently taken and that these measures put foreign workers on the same footing as nationals if they are employed in a Belgian coal mine and submit proof that they have been in regular employment for a period of one year.

Foreigners working in Belgium are covered by the social security scheme; in addition Belgium has also concluded bilateral social security agreements with France, the Netherlands, the Grand Duchy of Luxemburg and Italy. All the bilateral conventions concluded by Belgium follow the same pattern and embody the following principles: (a) foreign workers receive the same treatment as workers of the other country that is a party to the convention; (b) the scope of each particular bilateral convention is determined by the social security legislation listed in it; (c) the main criterion for determining the territorial scope of social security schemes is the place of work; and (d) additional rules are laid down to guarantee the maintenance of rights that are being or have already been acquired in the various spheres of social security.

All these bilateral conventions also contain a provision to the effect that the worker remains subject in principle to the legislation of his former place of work if his probable period of employment in the second country is less than six months.

A multilateral convention has provided for the extension and co-ordination of the social security legislation of the contracting parties to the Treaty of Brussels so as to cover all nationals of these States. The effects of this convention, which has just been added to the existing bilateral conventions, are as follows: (a) the new convention makes a national of any one of the countries that have signed the Treaty of Western European Union eligible to benefit under all conventions concluded between those countries; and (b) if a worker

who is employed in one of the countries that are parties to the Treaty has dependants in another of these countries these dependants—except in case of frontier or seasonal workers—are eligible for the sickness benefits in kind that are provided under the legislation of the country of residence.

*Article 7.* There is co-operation between the employment services of the member countries of Benelux, the Organisation for European Economic Co-operation, the Brussels Treaty Organisation and the North Atlantic Treaty Organisation.

The simplification of administrative operations for the issue of an employment permit is under consideration by the administration.

*Article 8.* Immigrant workers who are admitted as permanent residents may not be expelled from the country. If they are ill or not fit to work the social security agencies are responsible for them.

*Article 9.* The remittance of wages to the families of foreign workers is carried out in accordance with rules laid down by the Joint Exchange Control Board of Belgium and Luxembourg, which authorises the remittance of wages and other earnings saved up by a foreigner.

*Article 10.* Besides the conclusion of the Italo-Belgian Protocol of 8 February 1954 and the acceptance of the decision of 30 October 1953 of the Organisation for European Economic Co-operation, the Belgian Government approved by an Act of 2 July 1953 a convention between Belgium, France and Italy to extend and co-ordinate the application to nationals of the three countries of Belgian and French social security legislation and Italian legislation on social insurance and family allowances. This convention had been signed in Paris on 19 January 1951.

*Article 11.* The term "frontier workers" should be understood to mean nationals of either of two countries with a common frontier who are domiciled in the frontier zone and who go to work in the corresponding zone of the other country and as a rule return home each day.

Employment permits granted to artistes are valid only for the duration of their contracts. These contracts may last for between one day and six months.

## ANNEX I

*Articles 3 and 4.* Private non-fee-charging employment agencies may be approved by the Minister of Labour when they meet the conditions laid down by him (the requests must set out how the agencies are to be organised, why they are being set up, whether placement will be free, etc.). These approved employment agencies are subject to supervision by the National Employment and Unemployment Office. They receive subsidies that are granted by the Minister of Labour and are proportionate to the number of placements carried out and confirmed by the office in question.

The Minister of Labour may withdraw his approval either temporarily or permanently if the National Employment and Unemployment

Office so advises, giving the grounds for its advice.

Fee-charging employment agencies are prohibited in principle. An authorisation to operate is granted, however, subject to certain conditions, to undertakings concerned with the placement of domestic workers, agencies for artistes and agricultural employment agents. The licence to operate is valid for one year. Applications for renewal must be addressed to the Minister of Labour, who is responsible for supervising the operations of these agencies.

*Article 5.* No service for the supervision of individual contracts has been set up so far, but there is indirect supervision by the social inspection services. Workers may appeal to a conciliation board at any time for recognition of their rights in case of dispute.

*Article 6.* There are interpretation services at each coal mine. Welfare facilities have been made available by many Belgian undertakings.

*Article 7.* The report refers to what was stated in relation to Article 10 of the Convention and Article 5 of this Annex.

*Article 8.* The Royal Order of 31 March 1936 on the employment of foreign labour and the Act of 28 March 1952 on the supervision of aliens lay down that penalties are to be imposed on any person who employs a foreign worker without an authorisation or who does not observe the limits and conditions prescribed in such an authorisation.

## ANNEX II

*Article 3.* The operations involved in the recruitment of Italian and Greek workers, who account for most of the collective migration to Belgium, are carried out by the Belgian Coal Mining Federation. Under the Belgo-Italian Protocol all the operations involved in recruitment, medical pre-selection, the transport of the workers from their places of domicile to the frontier and the provision of board and lodging for them on Italian territory are to be carried out at the expense of the Italian Government and subject to its supervision. The cost of vocational and medical selection, and of transport, accommodation, food and reception arrangements between the frontier and the place of employment is met by the aforesaid Federation acting under the supervision of the Belgian Government. A joint committee of the two Governments is responsible for ensuring the application of the provisions of the Belgo-Italian Protocol of 8 February 1954.

*Article 5.* The report states that there have been no cases of collective transport of migrants in transit through Belgium during the period covered by this report.

*Article 6.* Employment contracts containing provisions regarding the conditions of work of Italian miners are signed at the Milan centre. An immigrant is also given general information regarding living and working conditions. The Joint Committee mentioned above ensures that the provisions of the Italo-Belgian Protocol of 8 February 1954 are applied.

*Article 7.* The report refers to what was stated above in connection with Article 6 of Annex 1.

*Articles 8 to 11.* The report states that the measures taken to apply the Convention conform to the provisions of these Articles.

*Article 12.* The Belgo-Italian and Belgo-German Agreements apply these provisions so far as mines are concerned.

## ANNEX III

*Articles 1 and 2.* Total exemption from import duties is granted in respect of movable effects, provided they have already been used. As regards the re-export of personal effects, tools and equipment no export licence need be applied for, the documents to be produced instead being, first, an affidavit by the mayor of the migrant worker's place of residence certifying that the migrant is going to live abroad and, secondly, a comprehensive taxation clearance.

The application of the above-mentioned provisions is entrusted to the Ministers of Labour and Social Insurance, Foreign Affairs and Foreign Trade, Justice, the Interior, Agriculture, Public Works, Economic Affairs, the Middle Classes and Finance. Infringements are reported by officials of the Labour Inspectorate and any other officials appointed by the Minister of Labour, as well as by special police officers.

## Cuba.

As regards the report of the Committee of Experts, the Government states that Act No. 2583 of 8 November 1933, respecting the nationality of workers, makes the Convention inoperative but that this does not mean that effect cannot be given to its provisions.

As the only posts which foreigners are allowed to hold (as from 8 November 1933) are in the capacity of representatives of an employer, persons having power to act for an employer or technicians, there is no immigration of workers strictly speaking in Cuba and there are no collective migration movements. Consequently, there is no immigration propaganda and no measures are taken by the employment exchanges in this respect.

No special measures have been taken as regards emigration because very few Cuban nationals emigrate.

The statistical data appended to the report, relating to foreigners who have been authorised to work in Cuba in the past few years, show that during the period from 1950 to 30 September 1955 the total number of immigrants was 749. This is due to the fact that, apart from the restrictions laid down as regards the nationality of workers, section III of Decree No. 2583 of 8 November 1933 provides that all vacancies or newly created posts must be reserved for Cuban nationals.

The measures in force in Cuba relating to the nationality of workers offer possibilities of employment only to highly qualified persons for responsible posts calling for special qualifications, provided no qualified Cubans are available at any given time.

### Italy.

*Article 1 of the Convention.* Under section 45 of Act No. 264 of 29 April 1949 further vocational training courses are organised for emigrants in order to enable them to acquire the knowledge required in immigration countries.

It should be taken into account that, owing to the abundance of Italian labour, the number of foreign workers who emigrate to Italy is small. In individual cases a worker's residence permit can be granted by the Directorate-General of Public Safety of the Ministry of the Interior. Such a permit, which is issued for either a specified or an unspecified period, is valid for employment by a single undertaking. Before the permit is issued to a foreign national the Directorate-General of Public Safety generally asks for an opinion from the Ministry of Labour. The advice of the Ministry of Labour is generally favourable when one or more of the following conditions are met (the facts are generally ascertained through the appropriate department of the Labour Inspection Service): (1) if there is a shortage of Italian technicians with the same occupational qualifications as the foreigner concerned; (2) if the foreigner is of Italian descent; (3) if he is in process of recovering Italian nationality; or (4) if he belongs to a country which accepts Italian emigrants in any number.

Under special agreements none of these conditions applies to citizens of Switzerland or the Republic of San Marino.

Once permission has been obtained from the Ministry of the Interior the appropriate departments of the Labour Inspection Service issue the foreigner with a certificate indicating the main conditions attached to the permit to reside in Italy, the foreigner's occupational qualifications, the name of the undertaking and the date on which the validity of the certificate will expire.

On termination of the employment the certificate is to be returned by the employer to the department of the Labour Inspection Service by which it was issued. In the case of aliens or stateless persons who have resided for a long time in Italy the administrative formalities are simpler.

In accordance with a decision taken on 30 October 1953 by the Council of Ministers of the Organisation for European Economic Co-operation it was laid down, with respect to aliens who were nationals of countries that were members of this Organisation, that the employers concerned should apply to the local police station for a residence permit for the particular foreign nationals whom they meant to employ. This application is to be accompanied by a declaration from the appropriate employment office, certifying that Italian workers capable of doing the work in question are not available locally. It has also been laid down that when nationals of Members of the O.E.E.C. have worked in Italy for five years or more—even with short breaks—their residence permits are to be renewed on request even if in the areas where these foreigners are employed there are unemployed Italians with the requisite occupational qualifications.

*Article 2.* The recruitment of Italian work-

ers who wish to emigrate is regulated, co-ordinated and supervised by the Ministry of Labour. This is done free of charge. The work involved comprises a number of stages, as follows: (a) preparation of general and special recruitment plans; (b) distribution of information on conditions of work; (c) medical and vocational selection; (d) issue of documents giving the results of medical and vocational selection, and issue of any other document that is required by foreign recruitment missions or that is required in any context whatsoever for the expatriation of the emigrant and to facilitate the application of administrative measures concerning the emigrant's employment and adjustment to his new environment; and (e) participation in the checks which immigration countries generally arrange to have carried out by their missions in order to ensure that the applicants meet the requisite medical and vocational conditions, or participation in the acceptance and signature of contracts of employment by migrating workers.

Acting on the basis of experience to date, the Ministry of Labour is constantly approaching foreign missions in order to secure a simplification in the procedure and in the existing rules, so as to speed up the selection of the number of migrants required and to facilitate the final acceptance of applicants. The Ministry of Labour is trying to bring the time of pre-selection and that of selection proper as close together as possible with a view to ensuring that these two operations, which have the same object, may be merged into one.

*Article 3.* Act No. 1244 of 4 December 1954 was promulgated in order to eliminate fraud in connection with emigrants' co-operative societies.

*Article 4.* As regards spontaneous emigration the Ministry of Labour, by agreement with the Ministry of Foreign Affairs, has gradually extended its assistance work, which has been particularly extensive for workers who have joined together in bodies taking the legal form of co-operative societies authorised to operate in foreign countries. As regards assistance to the members of an emigrant's family who remain behind in Italy, the Ministry of Labour grants them for a period of 45 days a subsidy provided for in Legislative Decree No. 201 of 23 August 1946. If these dependants are totally without means of support the subsidy may be granted for a maximum period of 120 days under Legislative Decree No. 292 of 18 January 1947. The Ministry assists migrants for employment and repatriated workers particularly in connection with the recovery of unpaid wages and the obtainment of grants or pensions in connection with occupational accidents.

Of the five emigration centres for which statutory provision has been made, four have been set up in Milan, Genoa, Naples and Messina.

*Article 5.* As regards the medical protection of migrants for employment and members of their families, the emigration centres have adequate facilities which ensure that such persons have all the medical attention they may require until their departure abroad. During sea voyages this form of attention is available from the

ships' doctors under the direct responsibility of the carrier.

*Article 6.* The legal status of a foreigner who has made a proper declaration of residence and has accordingly obtained permission to reside on Italian territory is equivalent to that of an Italian citizen as regards the right to work, the protection of workers collectively and individually (wages, hours of work, overtime, holidays, home work, age of admission to employment, apprenticeship and vocational training, women's work and the work of young persons, membership of trade union organisations and enjoyment of the benefits of collective agreements), as well as social insurance and all the other forms of assistance for which Italian legislation provides, and also accommodation, taxes, dues, contributions and legal proceedings. Stateless persons and refugees may not be treated less favourably than citizens of the most favoured foreign nation. Pensions payable by the State are not paid *in toto* to foreign insured persons when the country to which they belong has not guaranteed reciprocity of treatment for Italian nationals.

*Article 7.* The Italian authorities are considering measures to ensure close co-operation between employment offices and the corresponding services in other countries with regard to the placement of workers for coal mines and iron and steel works, in accordance with the treaty setting up the European Coal and Steel Community.

*Article 8.* A migrant for employment who has been admitted to Italy for an unlimited period and the members of his family who have been authorised to accompany or join him may not be returned to their territory of origin or the territory from which they emigrated (except for reasons connected with the maintenance of public order or if the person concerned so desires) on the ground that the migrant is unable to follow his occupation by reason of illness or injury, provided that the illness or injury occurred after the migrant's arrival in Italy. This principle applies in so far as the National Occupational Accident Institute and the National Sickness Benefit Institute pay to workers, in case of sickness or accident, benefits that ensure an adequate standard of living for them, even if they become totally unable to work.

No international agreement to which Italy is a party provides for the return of migrants for employment and members of their families on the ground of inability to work as a result of illness or injury.

*Article 9.* Under Circular No. 4400 of 14 January 1955 of the Italian Exchange Office there is no limit to the transfer of savings made from earned income by nationals of States Members of the European Payments Union. Such transfers are merely conditional on the applicants first obtaining from that Office an authorisation of principle, which is granted every year. The Italian authorities are making similar arrangements for the nationals of other countries that are not members of the O.E.E.C.

*Article 10.* Italy has concluded individual international agreements both in the limited

field of emigration and in the field of social insurance with the various countries which take in the largest quotas of migrants for employment. As a rule these agreements apply to all migrants. Some of these agreements, for example the one concluded with France, also contain clauses for the simplification of formalities and documents to the maximum possible extent.

#### ANNEX I

*Article 5.* As regards the emigration of workers under individual contracts of employment, the contracts are approved by the Minister of Foreign Affairs and the Minister of Labour and are delivered to the workers concerned through an emigration centre or a provincial office.

*Article 7.* As regards the supervision of contracts of employment for emigrants a first check is carried out indirectly at the time of the conclusion of emigration agreements, which state the principle of equality of treatment in all respects between migrants for employment and the nationals of the immigration country. See also above, under Article 5 of Annex I.

#### ANNEX III

The introductory provisions of the customs tariff approved by Decree No. 442 of 7 July 1950 ensure exemption from customs duties for the import of personal effects, furniture, books, vehicles, tools and instruments required for the practice of a trade and other household objects belonging to persons who are moving to a place of domicile on the territory of the Italian Republic. These provisions are general ones applying not only to migrants for employment but to all persons becoming domiciled in Italy.

#### *Netherlands.*

The admission of alien workers on a large scale is not very frequent. Workers come individually or in very small groups and employers make arrangements for their reception. However, in some cases the Government assumes responsibility, the official Netherlands representatives serving as intermediaries.

All Netherlands Acts, decrees and other legislative measures concerning conditions of employment, social provisions, taxes, etc., cover all persons employed in the country, irrespective of their nationality.

As a rule, a migrant for employment is never admitted to the Netherlands on a permanent basis, unless on grounds which are outside the scope of the employment market; in these cases, the person concerned is never obliged to leave the country because he is unable to carry on his occupation.

Migrants for employment are only admitted to the country if an employment permit has been granted to the employer. Consequently, such migrants do not come into contact with the employment service. However, if necessary, they may appeal to the service, which renders all services free of charge.

The following information is given as regards government-sponsored arrangements for group transfers of migrants (Annex II of the Conven-

tion). In the year under review only one large-scale recruitment took place. This was effected by the future employer, with the approval of the Netherlands Minister of Social Affairs and Public Health and after consultation and in co-operation with the government of the country where the recruitment took place.

The approval of the contract of employment was granted on the condition that the provisions of Article 6 were observed. In case of the non-observance of this condition the approval would be withdrawn, thus rendering employment in the Netherlands impossible.

No work permit is granted if the main provisions of a contract of employment with an alien are not in accordance with the statutory regulations or with usage in the Netherlands.

As regards Annex III the report states that, in accordance with the Royal Decree of 19 December 1947, personal furniture and effects are exempt from customs duties if they have been in use for an appreciable time.

#### *New Zealand.*

Industrial Conciliation and Arbitration Act, 1954 (L.S. 1954—N.Z. 1).

Labour Department Act of 1 October 1954, to repeal the Employment Act of 1945.

The report states that, in so far as Article 7, paragraph 2, of the Convention is concerned, the proviso to section 10 of the Labour Department Act of 1954 has been added specifically to obviate any doubt existing on the point; the proviso states that no charge shall be made for any service provided by the Employment Division of the Department of Labour under paragraph (a) of section 9 of the Act.

During the past 12 months there has been a considerable decline in the number of immigrants, mostly due to the prosperous economic conditions prevailing in the United Kingdom, the Netherlands and Western Europe generally. For the year ended 31 March 1955 the number of people arriving to take up permanent residence was 19,453. The number of permanent residents who left the country permanently was 9,012. The number of new settlers arriving

from the United Kingdom, Australia and other British countries was 16,943 whilst the number of new settlers arriving from the Netherlands and other foreign countries was 2,510. However, the number of applications from British people under the free passage scheme showed a sharp increase over the last few months of the year.

The Immigration Advisory Council recommended the Government that under present conditions a net annual intake of 15,000 persons from all sources would be desirable. Certain extensions of the schemes operating in the United Kingdom and the Netherlands have been introduced.

The decision to encourage immigration from Germany and Austria, coupled with a general desire to collaborate with other immigration countries, led to a decision that New Zealand should become a member of the Intergovernmental Committee for European Migration and application has been made accordingly.

The booklet *Alien to Citizen*, giving information on the procedure to be followed to acquire New Zealand citizenship, was reprinted during the year under review. Information on income tax procedure and traffic rules was translated into various languages and distributed.

#### *United Kingdom.*

It is now the normal practice to examine medically all foreign workers with individual permits who come to the United Kingdom for longer than six months, as well as their wives and children who travel with them or join them subsequently.

If a migrant is residing temporarily in the United Kingdom he is allowed to remit home through a bank any sum up to the amount of his net earnings subject to the payment of income tax and to the deductions for reasonable living costs. If, however, the migrant indicates his intention to reside permanently in the country, he is subject broadly to the same restrictions as any other United Kingdom resident. Cases of certain essential family commitments receive consideration.

## 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
Denmark . . . . .	15. 8.1955
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
Ireland . . . . .	4. 6.1955
Japan . . . . .	20.10.1953
Norway . . . . .	17. 2.1955
Pakistan . . . . .	26. 5.1952
Philippines . . . . .	29.12.1953

Countries	Date of registration of ratification
Sweden . . . . .	18. 7.1950
Turkey . . . . .	23. 1.1952
United Kingdom . . . . .	30. 6.1950
Uruguay . . . . .	18. 3.1954

#### *Belgium (First Report).*

Belgian Constitution, article 20.

Act of 24 May 1921 to guarantee freedom of association.

Act of 20 September 1948 to organise the economy.

Act of 29 May 1952 to establish the National Labour Council.



National agreement of 16 and 17 June 1947 respecting the general principles of the rules for trade union delegations of the staff of undertakings.

Legislative Order of 9 June 1945 to determine the rules for joint committees.

Royal Order of 5 April 1952 to consolidate the laws regulating home work from the point of view of wages and health.

*Article 1 of the Convention.* Freedom of association is guaranteed by article 20 of the Belgian Constitution. The Act of 24 May 1921 safeguards it against abuses by private persons who would try to impose or prevent membership of an association.

The Act includes the following four principles: (1) no one may be forced to join an association; (2) no one may be forced to abstain from joining an association; (3) no one may be obliged to relinquish his membership of an association; (4) no one may be obliged to remain a member of an association.

The Act does not prohibit an association, however, from accompanying its decisions with penalties, and anyone who becomes a member agrees *ipso facto* to submit to the decisions and penalties of the association adopted under its rules. Any regulation which destroys the liberty of a member to resign from an association in accordance with the conditions laid down in its rules is considered to be null and void (section 2).

The penalty provided for any attack on freedom of association covers in the first place attacks on freedom of association in general (section 3) and, secondly, attacks on freedom of association for trade unions, in particular (section 4). The Act lays down that subjecting the person concerned or his family to violence or threats, or damaging his possessions, are actions which are liable to penalties.

The Act of 20 September 1948, to organise the economy, established works councils in all undertakings which have not less than 50 workers in permanent employment; the competence of the works councils covers both social and economic matters (section 14). Section 16 provides that the councils shall be established on the initiative of the employer and composed of the head of the undertaking or his substitutes and a certain number of delegates of the regular and temporary staff.

Section 21 lays down that a staff delegate may not be dismissed except for a serious reason which justifies summary dismissal or for economic or technical reasons recognised in advance by the competent joint committee. It is for the competent labour court to settle any dispute which may arise.

An agreement concluded at the National Labour Conference of 16 and 17 June 1947 laid down the principle of establishing claims organisations within undertakings; these are the trade union delegations. These delegations, by means of their elected members, represent the members of the staff who are members of trade unions in dealings with the head of the undertaking. The inter-occupational organisations of employers and of workers which are co-signatories of the agreement undertake to respect freedom of association.

The trade union delegation has the right to be heard by the employer when any dispute arises with regard to an attack on the funda-

mental principles of the agreement relating to trade union delegations, the application of labour legislation, the works rules of the undertaking, collective agreements and individual contracts, the application to the staff of the undertaking of wage rates and rules of classification within the limits of the legal provisions or agreements in force.

The employers undertake to receive the trade union delegations, not to hinder their satisfactory working, and not to dismiss a member of the delegations without previously informing them; the trade union organisations may submit any dispute to the joint committee.

The inter-occupational organisations of workers undertake to recommend their affiliated organisations to come to an agreement, using the good offices of the chairman of the joint committee, to appoint or elect a common trade union delegation in every undertaking, paying due regard to the total number of members which should compose the delegation and the number in proportion to each organisation represented, which must depend on the number of members of each organisation on the staff of the undertaking. The organisations further undertake to arrange that the appointed or elected delegates should be chosen for the authority which they must show in carrying out their difficult and delicate tasks and for their capability. The delegates should show in all circumstances a just, fair and conciliatory spirit. The affiliated organisation will ensure that the delegates shall avoid on their own account, and shall make their companions avoid, any failure to regard labour legislation, regulations, collective agreements and factory rules.

The national agreement contained general principles applying to trade union delegations. These principles enabled the joint committees to prepare special agreements adapted to the specific nature of the various branches of activity in the 15 principal sectors of the national economy. In principle these agreements only concern the workers, but in certain cases the employers are also covered.

The collective agreements determined the exact functions of the trade union delegations, the methods by which employers' and workers' organisations may intervene, the measures for avoiding premature declarations of strikes or lockouts, the conciliation procedure for disputes and, in case of need, urgent appeal to the joint committee and its permanent office.

*Article 2.* In accordance with section 2 of the Act of 24 May 1921, the associations may establish themselves without special statutory rules and without legal status. The majority of the Belgian occupational organisations have chosen this solution. The occupational organisations may also adopt the rules provided by either the Act of 31 March 1898 respecting occupational unions or the Act of 27 June 1921 respecting non-profit-making associations. By accepting either of these sets of rules the occupational associations are endowed with legal status. The fact that they have chosen one of these sets of rules does not hinder them from being recognised by the public authorities and mentioned in a number of statutory provisions.

The occupational trade unions are to a great extent independent of each other. Their re-



spective strength guarantees them against any interference from each other. Furthermore, the Act of 24 May 1921 enables trade unions to secure themselves against any attempt at interference by their rules. Lastly, the fact that only the independent occupational associations are officially called upon to share in the social life of the country is one of the best guarantees of the independence which is required by the Convention.

Since the Second World War the Government has only consulted the most representative occupational organisations; the criteria for considering an organisation to be the most representative have been determined for occupational organisations of workers. The Order of the Regent of 27 July 1946, which determines the powers and scope of the various joint committees established under the Legislative Order of 9 June 1945, lays down in particular in paragraph 2 of its section 4: "The occupational organisations which are considered to be representative of the workers are those which are attached to a national organisation with not less than 30,000 members".

*Article 3.* It does not appear necessary in Belgium to establish any such machinery.

*Article 4.* For the rules of the joint committees, see the report on the Collective Agreements Recommendation, 1951 (No. 91).<sup>1</sup>

The Act of 29 May 1952 has officially established the "National Labour Council", which has acted semi-officially as a conciliation and co-ordinating body since 1944. Its main task consists in communicating to the Minister or to the Chambers, either at their request or on its own initiative, reports giving the various points of view expressed by its members, and opinions or proposals relating to the social problems of concern to employers and workers. It may also give its advice on disputes between the national joint committees on the question of their respective functions.

The Council is composed of a chairman and not less than 24 acting members, representing in equal numbers the most representative organisations of employers and of workers. The chairman is an independent person who is specially competent in social and economic matters. The Council may hear representatives of organisations, public institutions or particularly competent persons, under conditions which are determined by its working rules. The laws regulating home work from the point of view of wages and health have already been mentioned in the report on the Minimum Wage-Fixing Convention, 1928 (No. 26).

#### *Brazil.*

Incorporation of the ratified Convention into the national legislation follows implicitly from constitutional provisions (article 87, VII, and article 66, I) and from its promulgation by a decree issued by the executive authorities. Protection against acts of interference (Article 2 of the Convention) is afforded by the structure of the union system contained in the Consolida-

tion of Labour Laws which vests in the Ministry of Labour control over the constitution, working and administration of trade union organisations.

#### *Cuba.*

There is one trade union confederation in Cuba made up of 49 federations and 2,241 trade unions. A total of 7,438 collective agreements are registered at present.

#### *Dominican Republic.*

Labour Code of 11 June 1951, sections 69 and 70 and sections 293 *et seq.* (L.S. 1951—Dom. 1).

*Article 1 of the Convention.* The Government's report states that the workers are adequately protected against any anti-union discrimination in respect of their employment. Under section 307 of the Labour Code it is forbidden to force a worker or person in search of work to refrain from joining a union or to influence him to join. Section 306 of the same Code also states that the unions may not exercise any coercion, whether direct or indirect, that may impair freedom to work; nor may they take any action to force workers or employees to join an association or to remain members of it.

*Article 2.* Section 302 of the Labour Code affords adequate protection to employers' and workers' organisations against any act of interference by each other. This section stipulates that no manager or director of any undertaking may become a member of a trade union.

*Article 3.* The Ministry of Labour has a trade union section which is responsible for ensuring that the right to organise as defined in the Convention is respected. The Government states that the employers' and workers' organisations have always respected each other's rights.

*Article 4.* The legislation of the Republic is designed to promote the development and use of all forms of voluntary bargaining machinery by employers and workers and their respective organisations. Sections 92 and 118 of the Code regulate the negotiation of collective agreements. Section 107 stipulates that if employers' and workers' organisations are bound by a collective agreement, both they and their members must refrain from any action that may prevent or hinder its working. The Ministry of Labour in practice encourages such organisations to conclude collective agreements. Thus agreements of this kind have been negotiated by the dock employers and workers, with beneficial results. The same trend has been followed by the National Wages Council (sections 420 to 434 of the Code) (see report on the application of Convention No. 100).

*Article 5.* Members of the armed forces and the police may not form unions of the kind referred to in the Convention nor may they affiliate to them. The report states that the principles embodied in the Convention would appear to be incompatible with the neutrality, impartiality and reliability of these social and political institutions.

*Article 6.* For the same reasons civil servants are not subject to the provisions of labour legislation.

<sup>1</sup> See *Summary of Reports on Unratified Conventions and on Recommendations* (Report III, Part II) submitted to the 39th Session of the Conference, 1956, pp. 17-18.

*Egypt (Voluntary Report).*

Legislative Decree No. 319 of 1952 respecting trade unions of employees.

Act No. 97 of 1950 respecting collective contracts of employment (L.S. 1950—Eg. 2).

Legislative Decree No. 165 of 1953 respecting the addition of a new section (No. 39 (ii)) to Legislative Decree No. 317 of 1952 respecting individual contracts of employment.

Act No. 143 of 1955 respecting the revision of section 5 of Legislative Decree No. 319 of 1952. (This revision gives the member of the trade unions the right to resign from the union of the undertaking.)

All the above-mentioned texts are applicable to the whole of the Egyptian territory.

The application of the legislation is entrusted to the Labour Department. Disputes relating to the formation, internal administration and general activities of the trade unions are to be settled by the courts.

At the end of September 1955 there were 1,250 unions, with a total membership of 450,000. At the same date there were 37 federations. Since the promulgation of Act No. 97, 16 collective contracts of employment have been signed.

*France.*

Decree of 5 May 1955.

Decree of 11 June 1955.

*Article 4 of the Convention.* The measures taken to encourage and promote the voluntary negotiation of collective agreements have now been supplemented by the introduction of a mediation procedure. Collective disputes arising out of the negotiation, revision or renewal of national, regional or local collective agreements and wage settlements may be submitted to a mediator. This mediation procedure operates nationally, regionally or locally. It is initiated at the request of one of the parties if the conciliation procedure fails or by decision of the Minister of Labour or directly if the two parties so agree.

The mediation procedure may also be initiated by the Ministry of Labour in the case of collective disputes in individual plants if the public interest is held to justify such a measure. The mediator is appointed by the parties concerned or is selected by the Minister. He is asked to submit to the parties a reasoned statement of his recommendations for settling the dispute, after due inquiry into the economic and social circumstances of the firms and workers involved.

If both parties accept these recommendations the report is deposited with the local conciliation board or justice of the peace, whereupon the recommendations become binding.

Should the procedure fail the mediator makes a report together with his recommendations to the Minister of Labour; this report is published in the *Journal officiel*.

*Japan (First Report).*

Constitution of Japan.

National Public Service Law No. 120 of 1947.

Trade Union Law No. 174 of 1949.

Enforcement Order of Trade Union law (Cabinet Order No. 231 of 1949).

Public Corporation and National Enterprise Labour Relations Law No. 257 of 1948.

Enforcement Order of Public Corporation and National Enterprise Labour Relations Law (Cabinet Order No. 189 of 1949).

Local Public Service Law No. 261 of 1950.

Self-Defence Forces Law No. 165 of 1954.

*Articles 1 and 2 of the Convention.* Article 28 of the Constitution of Japan provides that "the right of workers to organise and to bargain and act collectively is guaranteed". Effect is given to each of the Articles of the Convention by laws and orders concerning the right to organise and to bargain collectively guaranteed by the Constitution.

The Trade Union Law prohibits acts of anti-union discrimination and acts of interference as unfair labour practices. Section 7 of the Law enumerates in detail those acts which are considered as unfair practices.

In accordance with section 3 of the Public Corporation and National Enterprise Labour Relations Law, the provisions of the Trade Union Law with regard to unfair labour practices of employers apply to the Public Corporations and National Enterprises; however trade unions in these enterprises, are required to adopt an open shop system.

*Article 3.* Independent administrative agencies exercising quasi-judicial functions, namely the Labour Relations Commissions and the Public Corporation and National Enterprise Arbitration Commission, have been established to investigate complaints of unfair labour practices by employers and to take measures concerning the relief to workers and workers' organisations concerned. Apart from the procedures available to these agencies, the worker or the trade union concerned may file action directly in court against an employer committing an unfair labour practice, in which the relief claimed may be damages, suspension of the illegal act, etc. (section 27, paragraph 11, of the Trade Union Law).

The Labour Relations Commissions above referred to consist of a Central Labour Relations Commission and a Mariners' Central Labour Relations Commission in Tokyo, Prefectural Labour Relations Commissions in 46 Prefectures and ten Mariners' Local Labour Relations Commissions established in each Marine Transport Bureau, each of which is in charge of matters within its jurisdiction (section 19).

According to section 27 of the Trade Union Law, whenever a complaint is filed with a Labour Relations Commission that an employer has contravened any provision of section 7 of the Law, the Commission shall make an immediate investigation and if it is deemed necessary shall have a hearing on the issues. At the conclusion of the hearing the Commission shall make a finding of fact and issue its order in accordance therewith, either granting in full or in part the relief sought by the complainant or dismissing the complaint.

Any party who is not satisfied with an order of the prefectural or mariners' local commission may apply for a review by the Central Commission within 15 days or he may petition a court of law for the annulment or alteration of the order. For the purpose of the immediate settlement of the case, the period during which

an employer may apply for judicial review is limited to 30 days from the date the order is served upon him. In case of such judicial review the court may require the employer to comply in full or in part with the order appealed from pending final judgment by the court.

The law provides penalties for contraventions by the employer of the order of the Commission that has become final without an application for review, or that has been sustained in whole or in part by a fixed judgment of the court as well as a breach of a court's interlocutory order.

The Permanent Public Corporation and National Enterprise Arbitration Commission established under the Public Corporation and National Enterprise Labour Relations Law is in charge of matters concerning unfair labour practices in the public corporations and national enterprises. Orders of the Arbitration Commission are also subject to court review on petition by the party concerned, which must be filed within six months from the date he knew that the order was issued. No sanction in the form of a penalty is provided for a breach of such orders since, in view of the special character of the enterprise, compliance with the order is expected from the party concerned.

*Article 4.* The Trade Union Law contains various provisions to ensure the application of this Article of the Convention, while the Public Corporation Law provides in detail for the procedure of collective bargaining by means of the units system.

Under section 6 of the Trade Union Law the representatives of a trade union have the right to negotiate with an employer or an employers' organisation on behalf of the members of a trade union for the conclusion of a collective agreement or on other matters. Section 7 also makes it a prohibited unfair labour practice for an employer to refuse to bargain collectively with a representative of the workers employed by him without fair and appropriate reasons. A contravention of this provision may be the subject of a complaint before a Labour Relations Commission, which is to be dealt with according to the procedure above described.

Section 16 of the Trade Union Law defines the legal effects of collective agreements, while sections 17 and 18 provide for cases in which the application of the collective agreement may be extended by order of the competent authority to all workers in the establishment belonging to the same category covered by the agreement or to all such workers employed in the same locality and to their employers.

Under the Public Corporation and National Enterprise Labour Relations Law, collective bargaining shall be carried out exclusively between a negotiation committee representing the public corporation or national enterprise concerned and a negotiation committee representing the employees thereof, which shall be the exclusive representative of all the workers in the enterprise in the negotiation of collective agreements.

The national enterprise determines the composition of its negotiation committee which is to be notified to the Minister of Labour each year. The principal trade unions in the enterprise shall every year designate the workers' negotiation committee and submit it to the

Minister of Labour. In the event of failure to select the workers' negotiation committee within the prescribed period, the Minister of Labour shall take such measures as may be necessary for the selection of the committee, including the determination of appropriate collective bargaining units and the voting procedures to be followed in the final selection of the committee by the trade union or other representatives of the employees.

*Article 5.* Under section 64, paragraph 1, of the Self-Defence Forces Law, self-defence forces personnel are prohibited from forming unions or affiliating with other organisations for the purpose of collective bargaining. The same prohibition is imposed on the police by section 98, paragraph 4, of the National Public Service Law and section 52, paragraph 4, of the Local Public Service Law.

The report states that Japanese legislation concerning the right to organise and to bargain collectively satisfies each of the provisions of the Convention.

#### *Philippines (First Report).*

Commonwealth Act No. 103 of 29 October 1936.  
Act No. 875 of 17 June 1953 to promote industrial peace and for other purposes (L.S. 1953—Phi. 1).

Act No. 875 declares null and void any agreement under which either party undertakes not to join a workers' or employers' organisation or to withdraw from the employment relation in the event that he joins a workers' or employers' organisation (section 8).

Under the same Act it is unfair labour practice for an employer (1) to interfere with, restrain or coerce employees in the exercise of their rights guaranteed in section 3; (2) to require as a condition of employment that a person or an employee shall not join a labour organisation or shall withdraw from one to which he belongs; (3) to initiate, dominate, assist in or interfere with the formation or administration of any labour organisation or to contribute financial or other support to it; (4) to discriminate in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labour organisation: Provided, that nothing in the Act or in any other law shall preclude an employer from making an agreement with a labour organisation to require as a condition of employment membership therein, if such labour organisation is the representative of the employees as provided in the Act; (5) to dismiss, discharge, or otherwise prejudice or discriminate against an employee for having filed charges or for having given or being about to give testimony under the Act; (6) to refuse to bargain collectively with the representatives of his employees subject to the provisions of the Act.

It is also unfair labour practice for a workers' organisation or its agents (1) to cause or attempt to cause an employer to discriminate against an employee as would constitute an unfair labour practice on the part of the employer or to discriminate against an employee with respect to whom membership in such organisation has been denied or terminated on some ground other than the usual terms and conditions under which membership or continuation of member-

ship is made available to other members ; (2) to refuse to bargain collectively with the employer, provided it is the representative of the employees subject to the provisions of the Act.

As noted above, Act No. 875 makes it unfair labour practice for either an employer or a workers' organisation to refuse to bargain collectively in accordance with the conditions therein prescribed.

The duty to bargain collectively means the performance of the mutual obligation to meet and confer promptly and expeditiously and in good faith, for the purpose of negotiating an agreement with respect to wages, hours and/or other terms and conditions of employment, of executing a written contract incorporating such agreement if requested by either party, or for the purpose of adjusting any grievance or question arising under such agreement ; but such duty does not compel any party to agree to a proposal or to make a concession.

When there is in effect a collective bargaining agreement, the duty to bargain collectively also means that neither party shall terminate or modify such agreement, unless it has served a written notice upon the other party of the proposed termination or modification at least 30 days prior to the expiration date of the agreement, or in the absence of an express provision concerning the period of validity of such agreement prior to the time it is intended to have such termination or modification take effect. It shall be the duty of both parties, without resorting to a strike or lockout, to continue in full force and effect all the terms and conditions of the existing agreement during the said period of 30 days.

In the absence of agreement or other voluntary arrangement providing for a more expeditious manner of collective bargaining, the parties shall bargain collectively in accordance with the procedure laid down in the Act (section 13). If the parties cannot reach agreement by direct negotiation, it is their further duty to participate fully and promptly in such meetings and conferences as the Conciliation Service of the Department of Labor may undertake (section 14 (c)). For this purpose Act No. 875 has provided for the expansion of the Conciliation Service to assist the parties in collective bargaining. The Service is required by law to keep a file of available collective bargaining agreements. Recent figures in the Department of Labor show that in 1953-54, 102 agreements covering 31,363 workers were signed ; in 1954-55 the figures were 159 agreements covering 36,472 workers. Between June 1953 and April 1955 the Conciliation Service handled 804 cases involving 145,909 workers, and settled 346 cases involving 75,946 workers.

#### *Turkey.*

Following the request made by the Committee of Experts in 1955 as regards the application of Article 2 of the Convention, the Government states that under the Associations Act the establishment of workers' and employers' associations is not subject to previous authorisation and that any association acquires legal personality as soon as its founders announce in its rules the desire to set up an association. Workers and employers are free

to form occupational organisations in virtue of section 9 of the Trade Unions Act ; no person may be obliged to join or to refrain from joining, or to withdraw or refrain from withdrawing, from a trade union. Under section 7 of the same Act a trade union may be suspended or abolished only by order of a court of law.

As regards the second point raised by the Committee of Experts on the scope of the Labour Code the Government remarks that, although the Labour Code applies to undertakings where the nature of the work performed is such as to necessitate the daily employment of at least ten employees (section 2 (c) as amended), the Council of Ministers is empowered to extend coverage of the Code to similar undertakings or operations in which, in view of their nature and of economic conditions, such extension is justified. As a result the Code now applies to specified undertakings employing at least four persons, in localities with a population of 50,000 or more. A further extension of the Code is envisaged.

An undertaking or operation does not have to be covered by the Labour Code in order that its employees enjoy the right to organise. The only requirement under the Trade Unions Act is that the employee or employer concerned must conform to the definition of employee or employer laid down in the Labour Code. Consequently any employee or employer within the meaning of the term given in the Labour Code enjoys the right to organise or join a trade union, irrespective of the nature or size of the undertaking concerned. Thus, employees of an establishment classed as a small undertaking or an agricultural undertaking may organise or join a trade union. There are a large number of trade unions of agricultural workers in Turkey.

Non-manual workers are not covered by the Trade Unions Act and consequently they may not organise trade unions (except journalists who are allowed to do so by the Journalists Act). However, Turkish legislation contains no provision depriving these workers from organising an association or prohibiting such an association from adopting rules similar to those of a trade union. In other words, non-manual workers may organise an association under their special laws and under the Associations Act.

#### *Uruguay (Voluntary Report).*

Constitution of the Republic of 25 January 1952 articles 39 and 57).

Act No. 10449 of 12 November 1943 respecting wage councils (section 5).

Decree of 19 November 1943 to apply Act No. 10449 (section 3).

Act No. 9675 of 4 August 1937 respecting collective agreements.

Decree of 26 February 1943 to apply Act No. 9675. Act No. 12030 of 27 November 1953 to ratify Convention No. 98 concerning the application of the principles of the right to organise and to bargain collectively.

The principles of Articles 1, 2 and 3 of the Convention are embodied in article 39 of the Constitution which guarantees the right to organise except in the case of illegal associations. Article 57 (1) states that "the formation of trade unions shall be promoted by law, which shall grant them immunities and enable them to obtain recognition as bodies corporate".

Although freedom of association is thus a constitutional right, no legislation on the subject yet exists. This, however, in no way impairs the principle involved, as article 332 of the Constitution stipulates that the absence of any regulation need not prevent those provisions of the Constitution which recognise rights and grant immunities from becoming operative. The Convention will serve as a basis for the future regulations which are now being drafted.

There are about 150 unions in existence, some of them with legal status. All, however, whether they have such status or not, operate in practice on an equal footing.

Section 5 of Act No. 10449 respecting wage councils empowers the Government to recognise workers' associations which have not legal status for the purpose of granting them the right to apply for wage councils to be formed. The Decree of 19 November 1943 to apply the Act lists the documents that must be presented on making application for recognition. These include a memorandum on the aims of the association and other information designed to establish its nature and fitness (section 3). In making an order granting recognition the Government takes account of the following factors: the age of the organisation, the number of members, the number of contributing members, the nature of its by-laws and the size of the trade union confederation to which it belongs.

The Government gives full recognition to trade unions by calling upon them to participate in committees set up to study and advise on labour questions.

With regard to Article 4 of the Convention,

Uruguay has no general legislation dealing with collective bargaining and collective labour contracts. However, it is current practice in accordance with Act No. 9675 for collective agreements to be registered with the National Labour Institute in order to ensure that they are effective. Under this Act agreements negotiated in the building industry by a majority of firms belonging to the Building Employers' Association are binding on all employers in the industry, whether or not they are members of the Association, on condition that a copy of the agreement has been deposited with the National Labour Institute.

The armed forces and police, being composed of public servants, are subject to special regulations.

Voluntary bargaining between employers and workers is supervised by the National Labour Institute.

The Court of Appeal has ruled that a number of trade unionists employed by a public utility undertaking, who were dismissed for their trade union activities and for taking part in a strike, were entitled to compensation for dismissal. In appointing committees to supervise the enforcement of labour legislation the Government collaborates with established trade union associations whether or not they possess legal status.

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

*Austria, Finland, Iceland, Pakistan, Sweden, United Kingdom.*

THIRTY-FOURTH SESSION (GENEVA, 1951)

99. Minimum Wage Fixing Machinery (Agriculture) Convention, 1951

*This Convention came into force on 23 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

*Austria (First Report).*

Federal Act No. 140 of 2 June 1948 to lay down principles governing labour law in agriculture and forestry (L.S. 1948—Aus. 2).  
Provincial legislation and collective agreements.

Collective agreements between employers and workers are applicable throughout the Federal Republic to all persons in the occupations covered thereby even if such persons are not parties to the agreements.

The provisions of collective agreements must be referred to in labour contracts. They remain in force after the agreement has expired and until a new agreement is negotiated.

Private agreements between employers and workers, provided they are not prohibited by collective agreement, are only valid in so far as they are more favourable to the workers or deal with matters not settled by collective agreement.

For greater effectiveness in enforcing the agreement its text must be forwarded by the workers' representatives within two weeks of its signature to the Higher Conciliation Committee at the seat of the provincial government. The agreement is published in the Official Gazette of the province within two weeks of being deposited.

The Inspectorate of Agriculture and Forestry for each province is responsible for ensuring that statutory minimum wages are paid by employers.

Lastly, the report states that each worker is entitled to apply to the labour courts if he considers that he has a grievance.

*Mexico (First Report).*

Constitution of the United States of Mexico of 1917 (article 133).  
Federal Labour Act of 18 August 1931 (L.S. 1931—Mex. 1).  
Decree promulgating Convention No. 99 and published in the Official Gazette of 28 June 1952.

Article 133 of the Constitution states that once a Convention has been approved by the Senate, and published in the Official Gazette after being signed by the President of the Republic, it acquires force of law throughout the country.

Unless employers or workers request their revision, minimum wage rates are fixed every two years in November for all occupations throughout the country. This is done through special committees set up in each municipality.

Any workers who have been paid a lower wage than the statutory minimum are entitled to apply to the appropriate court for payment of the difference owing to them.

The authorities responsible for enforcing minimum wage rates are the conciliation and arbitration boards, the Labour Inspectorate, the Directorate of Social Welfare, the Labour Judge attached to the Ministry of Labour, and Social Welfare the municipal chairman, the State Governors and the Supreme Court of Justice.

According to the census of 6 June 1950, 4,677,943 workers in agriculture, stock-raising and forestry are covered by the Convention.

The report adds that section 20 (I) of the Federal Labour Inspectorate Regulations stipulates that inspectors must in particular ensure that the place, dates and methods of payment of wages conform to regulations.

*New Zealand.*

Industrial Conciliation and Arbitration Act, 1954 (L.S. 1954—N.Z. 1).

The Industrial Conciliation and Arbitration Act of 1954 is very wide in scope and can be extended to all classes of workers. The minimum wage fixing machinery it sets up has been used in the case of some groups of seasonal agricultural workers in respect of whom the Court of Arbitration has made awards.

The report states that when two dairy farm workers complained that they had not been paid the statutory minimum wage a tribunal made an award in their favour. On appeal the court decided that the production bonuses paid under the labour contract should be added to their wage and as, in this particular case, their total earnings were higher than the statutory minimum the complaint was not justified.

The report also lists the new minimum wage rates fixed for certain classes of workers.

*Philippines (First Report).*

Act No. 602 of 6 April 1951 to establish a Minimum Wage Law, and for other purposes (L.S. 1951—Phi. 1).

The Labour Inspectorate is responsible for enforcing the Act and to this end inspectors are entitled to carry out checks to ensure that employers are not paying less than the statutory minimum wage.

The establishment of minimum wages in agriculture is considered to be one of the most important social measures instituted by Congress. There is a substantial difference between the rate fixed for agriculture (2.50 pesos) and other trades (4 pesos). Despite the authorities' efforts to narrow this gap the rates previously fixed for agriculture have so far been maintained.

The Department of Labour is at present revising the circular interpreting the Act as it applies to farming. A copy of this circular will be sent to the I.L.O. as soon as it appears.

#### *United Kingdom (First Report).*

Agricultural Wages Act, 1948, 11 and 12 Geo. 6 Ch. 47.  
Agricultural Wages (Scotland) Act, 1949, 12 and 13 Geo. 6 Ch. 30.

Agricultural Wages (Regulation) Acts (Northern Ireland), 1939 and 1940, 2 and 3 Geo. 6 Ch. 25 and 4 Geo. 6 Ch. 19.

Agricultural Wages (Scotland) (Definition of Districts) Statutory Rule and Order, 1937, No. 920/S.49.

Scottish Agricultural Wages Board Regulations, 1937, No. 1126/S.65.

Scottish Agricultural Wages Committees Regulations, 1937, No. 1127/S.66.

Agricultural Wages Board Regulations, 1949, S.I. 1949, No. 1884.

Agricultural Wages Committees Regulations, 1949, S.I. 1949, No. 1885.

Agricultural Wages Board (Term and Conditions of Office of Members) Regulations (Northern Ireland), 1940, No. 36.

Agricultural Wages (Benefits or Advantages) Regulations (Northern Ireland), 1940, No. 37.

Agricultural Wages (Notice of Fixing, Cancelling or Varying of Minimum Rates of Wages) Regulations (Northern Ireland), 1940.

Agricultural Wages Board (Casual Vacancies) Regulations (Northern Ireland), 1940, No. 119.

Agricultural Wages Board (Representation of Employers in Agriculture and of Workers in Agriculture) Regulations (Northern Ireland), 1940, No. 147.

Orders of the Agricultural Wages Boards made from time to time under the above Acts, fixing minimum wage rates and giving directions with regard to holidays with pay.

*Article 1 of the Convention*, paragraph 1. The report describes the existing Agricultural Wages Boards in the country, the establishment of which was prescribed by the Agricultural Wages Acts. Particulars are given of the constitution, functions and powers of the Boards in respect of fixing minimum wage rates.

Paragraph 2. The range of application of the statutory minimum rates (and holiday regulations) is fixed according to the legally accepted definition of agriculture; the Agricultural Wages Acts determine the undertakings, occupations and categories of persons to which the wage-fixing machinery is applied.

Paragraph 3. The term "employed" is defined in the Acts as meaning employed under a contract of service or apprenticeship. This may exclude in practice persons such as those members of the farmers' family where a contract of service does not or could not be deemed to exist.

*Article 2.* The report clarifies the place of benefits or advantages in the payment system.

Being considered as part-payment of wages at the minimum rates in lieu of payment in cash, the Boards are empowered to evaluate these allowances in terms of cash. Some of the allowances are specified and are allocated definite values in the orders of the Boards.

As regards these allowances mention is made of the District Agricultural Wages Committees which defined and valued benefits prior to the 1948 Act.

The present Agricultural Wages Act provides for the nomination of these regional committees and for the specification of their functions by the Agricultural Boards. The Boards may benefit from the advice of these district bodies on local matters such as the determination of the rental value of a house as a part of minimum wages and the reassessment of values in a comparatively small number of individual cases.

The report describes briefly the principles for determination of the value of benefits or advantages in Northern Ireland.

*Article 3*, paragraph 1. The report elucidates the establishment, the constitution, the functions and the powers of the Central Agricultural Wages Board (including its panel of independent members) in respect of fixing, cancelling and varying minimum rates for time-work and piece-work and overtime, with the exception of rates relating to apprenticeship in Scotland and Northern Ireland. The report draws the attention to the fact that public notice by the Board is required when orders to change existing wage rates are going to be issued. After a certain period (14 days), during which objections may be lodged, the Board meets to take its decisions. These decisions shall also be given public notice. The arrangements for Northern Ireland seem to be different in only some minor details.

Paragraph 2. After a brief historical outline of the development of minimum wage fixing legislation the report describes the character of the present Agricultural Wages Act (1948) which is a consolidation Act, embodying the Agricultural Wages (Regulation) Act, 1924-1947 and the Holidays with Pay Act, 1938. Similarly the Agricultural Wages (Scotland) Act, 1949—comprising the Agricultural Wages Regulation (Scotland) Acts, 1937-47 and the Holidays with Pay Act, 1938—as well as the legislation in Northern Ireland, were consolidation Acts.

Paragraph 3. Equal representation of employers and workers on the Agricultural Wages Board and on the Agricultural Wages Committees has been provided.

Paragraph 4. The report sums up briefly what are considered contraventions of the Acts, including paying wages at less than the minimum rates and the receipt by an employer directly or indirectly of any payment by way of premium in respect of employment of an apprentice or learner unless approved by an Agricultural Wages Committee.

Paragraph 5. The report indicates the power vested in Wages Committees in Great Britain (Wages Boards in Northern Ireland) to grant permits exempting, in particular cases, the payment of wages at the full minimum rates but specifying at the same time any other condi-



tions which it may deem necessary in these particular circumstances.

*Article 5.* The minimum rates fixed by the Agricultural Wages Board in orders for each of the 58 Agricultural Wage Committee areas are given in the report. They cover the following range applicable to all persons employed in agriculture under a contract of service or apprenticeship: (a) minimum weekly wage rates for male and (in Great Britain) female workers employed on time-work by the week (of a prescribed number of hours) or longer period; (b) minimum hourly rates for male and (in Great Britain) female part-time or casual workers—employed by the hour or day or on a basis of less than by the week. The Board in England and Wales has also provided that workers on piece-work shall receive wages not less than those which would have been due for time-work according to the minimum time-work rates. In Northern Ireland minimum rates for time and piece work have been fixed for workers employed in the flax industry and provision has been made for holidays with pay.

The report mentions the recent increases in the statutory minimum rates, i.e. 7s. per week for adult male workers and proportionate increases for all other workers in England and Wales (January 1955), 8s. per week for similar workers in Scotland (February 1955) and 7s per week in Northern Ireland (February 1955). Details of current statutory wage rates in England and Wales, Scotland and Northern Ireland are given with respect to minimum weekly wage rates and the maximum hours per week for male and female workers; hourly rates for part-time or casual workers; overtime employment; overtime rates; benefits and allowances in kind; holidays with pay; exemption permits. The details for Scotland contain detailed wage rates for different kinds of workers concerned with stock, horses, tractors, poultry, herds, milking, etc.; those for Northern Ireland give the special provisions for the flax industry.

A statement is given of the number of the regular and casual male and female workers in England and Wales, Scotland and Northern Ireland covered by the Acts.

In reply to point III of the form of report the Government submits the following information:

*Article 4.* Various means are used to give public notice of the decisions of the Agricultural Wages Boards, including information to the persons and Agricultural Wages Committees concerned. Orders made by the Boards and proposals for changes in current provisions are available to the public free of charge from the offices of the Boards and Committees. Information is given in the national and provincial press, in public offices, etc., and through the publications of the employers' and workers' organisations.

In Northern Ireland the procedure for publicity is provided by regulations under the Northern Ireland Act of 1939; it consists of advertisements and references in the local and national press.

The Wages Boards and Committees are completely autonomous organs as regards technical matters relating to wages. The Ministry

of Agriculture, Fisheries and Food in England and Wales and the Secretary of State acting through the Department of Agriculture in Scotland are responsible for the administration of the respective Acts, for the provision of the secretariats to Boards and Committees and the establishment and maintenance of wages enforcement organisations. The expense incurred is borne by the State. Similar arrangements apply in Northern Ireland.

The report further states, with regard to England and Wales, that an inspectorate, under the direction and supervision of the Ministry of Agriculture, Fisheries and Food, and at present consisting of 38 inspectors allocated on a geographical basis, carries out investigations as regards compliance with the requirements of the Act and orders. The inspectors are empowered to require the production of wage sheets or other records of wages paid to workers in agriculture, to enter at all reasonable times on any premises or place for the purpose of inspection or for the enforcement of the Act (but in the case of a dwelling house not without giving reasonable notice) and to require any worker or employer to give any information regarding employment or wages. Persons who hinder or molest an inspector, who refuse to produce documents or who produce false information are liable to be prosecuted.

The work of the inspectors consists of: (1) investigation of complaints with regard to fixed minimum wage rates, overtime rates, holidays with pay and holiday remuneration; (2) inspecting farms selected each year by mechanical process, ensuring proportionate investigation throughout the country, and a small number of farms selected at random. In visiting a farm for the purpose of investigating a complaint that a particular worker has been underpaid, it is the normal practice to inquire also into the wages of any other workers employed on the holding. The inspector then submits a report on his findings and the decision as to any further action is taken by the Headquarters Division of the Ministry of Agriculture.

During the 12 months ending 30 June 1955 the number of complaints investigated was 1,398 and that of test inspections 5,765.

As the result of complaints the conditions of 2,579 workers were examined; arrears were recovered in respect of 447 cases. The total number of workers examined as a result of test inspections was 28,169 and arrears of wages were recovered on behalf of 160.

Section 4 (1) of the Agricultural Wages Act provides for the institution of criminal proceedings where a serious or substantial breach of the law is apparent. If an employer (a) pays wages at a rate less than the minimum fixed by the order, (b) fails to pay the holiday remuneration according to the regulations in the order, or (c) fails to allow the worker the holidays fixed by the order, he shall be liable to a fine of £20 in respect of each offence. In addition to the fine the arrears, calculated on the minimum rates applicable, must be paid by the employer up to a maximum of six months (plus 18 months, if notice of intention to do so has been served). In less serious cases the employer is required to pay the arrears which



have accrued up to a limit of two years. If the employer refuses to pay the arrears demanded, civil proceedings for the recovery of such sums may be instituted. The worker is free to take his own case to the Civil Court and may claim up to a maximum of six years, the period allowed him by the Statute of Limitations.

During the period under review criminal proceedings were taken against employers in 33 cases; 16 cases were authorised to be taken in the Civil Courts.

In respect of Scotland, this is covered by six inspectors, having the same powers and functions as in England and Wales and similar relations with the Department of Agriculture and with the Judiciary.

Contraventions of the Act are fined up to a maximum of £20 and £1 for each additional day of offence after conviction. Arrears must be repaid up to a period of two years preceding the date of the complaint.

During 1954 the conditions of employment of 4,168 workers were examined, 295 of which arose from complaints; 791 related to workers employed on farms from which a complaint had emanated; and 3,082 were test inspections. In

3,743 cases the wage position was in order; arrears were recovered for 116 workers and the remaining cases were either unfinished at the end of the year or were abandoned for lack of evidence. Legal action was instituted on behalf of 13 workers and the Department recovered arrears for wages for nine of them. Four cases were outstanding at the end of the year.

Three actions were brought for failure to give information to an inspector when lawfully required to do so; the Department succeeded in all three actions.

In Northern Ireland four inspectors cover the country in the same way as mentioned above. The methods of inspection, the handling of complaints, recovering of arrears and court procedures are the same as in the other parts of the United Kingdom.

The total number of investigations of workers' conditions during 1954 was 2,157, of which 227 arose from complaints and 1,930 were random inspections. As a result arrears of wages were assessed in 256 cases (116 from complaints and 140 from random inspections). No legal proceedings were instituted during the year.

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
Bulgaria . . . . .	7.11.1955
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

*Austria (First Report).*

*Federal Laws and Regulations:*

- Federal Law No. 22 of 12 December 1946 respecting the remuneration, holidays, retirement pensions and allowances of federal officials (Salaries Transition Act).
- Federal Law No. 86 of 17 March 1948 respecting the duties and remuneration of federal employees having a contract of employment (Contract Employees Act, 1948).
- Order No. 23 of the Federal Ministry of Social Affairs of 16 January 1928, respecting the re-issue of the Wage Funds Act.
- Home Work Act of 10 March 1954 (L.S. 1954—Aus. 1).
- Collective Agreements Act of 26 February 1947 (L.S. 1947—Aus. 1).

*Provincial Laws:*

- Vienna:* Provincial Law No. 34 of 22 September 1951.
- Lower Austria:* Provincial Law No. 51 of 24 March 1955.

In Austria the remuneration of employees of the federal State, the provinces and the communes, and pharmacists engaged in public or hospital pharmacies is determined by law and regulations.

As regards certain categories of workers for whom there is not an employers' organisation competent to conclude collective agreements, the competent conciliation board may determine minimum wage rates. Such rates have been fixed for female domestic aides, janitors, language teachers in private teaching institutions, private teachers and grooms employed in racing tables. The home work committees may, in those branches of home work within their competence, determine the wage rates of homeworkers, middlemen and intermediaries. The minimum wage rates and the wage rates of industrial homeworkers are compulsorily applicable.

For enterprises in the economic sector, including nationalised enterprises, wages and salaries are fixed by means of collective agreements and industrial home work contracts. In view of the large number of collective agreements in force at present (about 1,300), it is impossible to enumerate and to submit them individually.

Public authorities encourage the application of the equal remuneration principle for work of equal value. State interference has not so far been necessary as the principles embodied in the Convention are being applied in Austria, and it is therefore unnecessary to take detailed measures concerning state action.

Opinions differ on the question as to whether or not, under the Austrian Federal Constitution, international labour Conventions, once they are ratified, automatically acquire the force of federal law. No decision has yet been taken on this subject.

*Article 2 of the Convention.* Article 1, paragraph 2, of the Salaries Transition Act, which fixes the salaries of federal government officials, provides that officials of either sex are, in prin-

ciple, placed on the same footing. Although the Contract Employees Act, 1948, does not lay down the principle of equal remuneration, the wage rates determined by section 11 vary only according to the categories of work and the length of service so that, under equal conditions, women receive the same wages as men. This is also true of the corresponding provincial laws, which are generally based on the relevant federal laws.

Section 1 of the Wage Funds Act provides for equal remuneration for all pharmacists employed in pharmacies; they are graded according to length of service, family situation, local cost of living and the importance of the work.

The minimum wage rates and wages for homeworkers for the same work are equal whether it is performed by men or by women.

A number of collective agreements provide for equal remuneration for men and women for work of equal value. When the collective agreements provide for wage differentials for certain categories of work, it is usually because men and women do not have the same output. Unequal wage rates are determined on the basis of an objective appraisal of the quality and quantity of the work performed.

*Article 3.* As the Convention is wholly applied in Austria, the elaboration of methods for the objective appraisal of jobs has not been found necessary.

*Article 4.* In the field of wages the Federal Ministry of Social Affairs works in close and constant collaboration with the employers' and workers' organisations.

According to the Collective Agreements Act, 1947, collective agreements reached by employers' and workers' organisations must be deposited with the competent conciliation offices. The Federal Ministry of Social Affairs is informed of all agreements concerning wages. When there has been any doubt as to whether the principles of the Convention were applied, the Ministry has requested clarification from the workers' and employers' organisations concerned; on these occasions it has found that the provisions adopted were not contrary to the principle of equal remuneration.

#### *Belgium.*

In reply to the questions asked by the Committee of Experts, the report contains the following information on the results achieved in determining wage rates.

The National Labour Council has undertaken a survey of mixed occupations (i.e. those employing men and women alike) in the tobacco industry and in the fur industry. In the ceramics industry such a study has been undertaken by a panel of experts. The Joint Textile Council has initiated an examination of the problem of remuneration in mixed occupations, which assumes rather complicated characteristics in the textile industry.

The General Technical Committee is responsible for making a thorough study of mixed occupations in the chemical industry, and intends to draw up a list of such occupations, together with their job content. Their findings will be communicated to the Office in due course.

The National Labour Council proposes to continue its survey of mixed occupations in industries employing women in relatively large numbers, without prejudice, however, to the competence of the Joint Industrial Councils in this regard. Upon completion of this programme, the National Labour Council will examine the possibility of adopting general legislative or other measures for ensuring the application of the principle of equal pay.

Certain Joint Industrial Councils have already studied the type of action they might take consequent upon ratification of this Convention. Thus, in the building trade, the appropriate collective agreement makes no distinction between wages for men and women workers. While the number of women employed in this trade is not very great (396), it is significant that the principle of equal pay is accepted. In the hairdressing trade, the principle has been accepted for some time. Equal remuneration is also accorded to combers, cutters and drawers under the terms of a collective agreement, dated 14 February 1955, relating to the Joint Council for furs and skins. The principle has been conceded to young workers by the Joint Council for the paper-pulp, paper and cardboard industry. The Joint Council for salaried workers has also made a close study of the problem of equal pay.

In certain sectors of the economy, the differential between men's and women's wages has been reduced; and in the large department stores, where women's wages were in 1949 established at 85 per cent. of men's wages, a project is now under consideration whereby women's wages will be increased in progressive stages.

Women and young workers on piece work in the cement industry are entitled to wages equal to men's wages provided that their output is the same; this decision was adopted on 10 September 1954, and has been given the force of law by a Royal Order of 14 May 1955. Equal pay for women performing the same work as men is also accorded in the manufacture of smoking and chewing tobacco and of snuff, by virtue of an informal agreement reached on 19 March 1954.

Similarly, women employed on work normally carried out by men in sawing and wood trading are entitled to the same wages as men, by virtue of an agreement dated 23 September 1953, which was given the force of law by a Royal Order of 27 February 1954. A meeting of the National Joint Council for Ceramics on 30 April 1954 also extended the principle of equal pay to women engaged in the manufacture of tiles in West Flanders and Tournaisis. As this Joint Council never asks for a Royal Order to put its decisions into effect, they are not compulsory but are applied automatically by the parties concerned.

Finally, in the case of two joint councils—transportation, and tramways and urban transport—no special wage scales have been established for women and young workers, who therefore have the right to the same wages as men.

By virtue of the terms of section 14 of a Legislative Decree of 9 June 1945, the Labour Inspectorate is responsible for the enforcement of all wage decisions adopted by joint councils which have been given the force of law.

The first report of the Equal Remuneration Committee to the National Labour Council, dated 22 April 1955, is appended to the report.

*Dominican Republic (First Report).*

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

*Article 1 of the Convention.* Under section 187 of the Labour Code, wages are reckoned in terms of cash payments to the exclusion of benefits in kind. The Government considers, however, that the spirit of the Convention is chiefly concerned not with the scope of the definition given to the term "remuneration" but rather with the need to fix the level of remuneration—whatever definition may be accepted—without discrimination on grounds of sex. This principle of equality is, in fact, recognised by Dominican legislation.

*Article 2.* Section 186 of the Labour Code provides that "there shall be equal pay for equal work carried out in conditions of identical skill and length of service, no matter who carries out the work", and applies to both men and women workers.

The principle of equal pay has always been observed in the civil and local government services. It often happens that a male official is replaced by a female official and vice versa; salaries are fixed in accordance with the importance of each post irrespective of the sex of the persons filling them.

Under sections 420 *et seq.* of the Labour Code, the fixing of minimum wages is the responsibility of the National Wage Board which is made up of a president, two members appointed by the Government and two members appointed respectively by the employers' and workers' national confederations considered by the Government to be the most representative. In determining the minimum wages the Board must take account of the following: (1) the nature of the work; (2) the conditions and the time and place in which the work is carried out; (3) the risks incurred in the work; (4) the current price of the articles produced; (5) the financial situation of the undertaking; (6) the average cost of living of employees; (7) the normal requirements of the employees—material, moral and cultural; (8) the conditions in each region or place; and (9) any other circumstances which may facilitate the fixing of the said wages (section 425 of the Code). In other words, minimum wages are fixed without regard to the sex of the worker.

*Article 3.* Section 425 of the Code favours the objective appraisal of jobs on the basis of the work involved and the conditions under which they are performed. The appraisal of jobs, like the determination of minimum wages, is carried out by the employers' and workers' organisations with the help of advice from the appropriate manpower officials.

*Article 4.* Generally speaking, the organisations concerned co-operate with the public manpower service by notifying it of any irregularities and infringements of section 186, thereby facilitating the enforcement of the principle of equal pay.

The Convention applies throughout the country.

The Secretariat of State for Labour is responsible for enforcing the relevant regulations. It does so through its Labour Departments and inspectors. The methods of supervision are the same as those normally used by the manpower services, e.g. visits of inspection, examination of payrolls (on which the workers' sex is stated), investigation of complaints from workers or employers, collaboration with the organisations concerned, etc. In addition, a section dealing with the employment of women and young workers is attached to each Labour Department with responsibility for enforcing the provisions dealing with work by women and particularly, section 186 of the Code.

The inspectors have discovered no contraventions of section 186 of the Labour Code.

*France (First Report).*

Constitution of 27 October 1946.

Ordinance of 24 August 1944 respecting the temporary increase in wages.

Order of 30 July 1946.

Act No. 50-205 of 11 February 1950 respecting collective agreements and proceedings for the settlement of collective labour disputes (L.S. 1950—Fr. 6).

*Articles 1 and 2 of the Convention.* Equality of rights as between men and women was proclaimed by the French Constitution of 27 October 1946, the preamble to which provides that "the law guarantees the woman equal rights with those of the man in all spheres".

With regard particularly to wages, the Ordinance of 24 August 1944 respecting the temporary increase of wages on the liberation of France already provided in its section 7 that "in similar conditions of work and output, the minimum wage rates of women shall be equal to the wage rates of men workers". In application of this provision an Order of 30 July 1946 repealed the provisions relating to the lower rates for women's wages which had been authorised up to that time. Thus, wage regulation, which was completed with the enactment of the Act of 11 February 1950, mentioned above, provided for strict equality in men's and women's wages. This ensured that the women's labour force, equally with the men's labour force, should receive not less than the minimum rates provided by the orders regulating wages. These rates remained in force provisionally, under section 2 of the Act of 11 February 1950.

The Act in question having brought back into force the system of freedom of wages, the State will only intervene in the future in order to fix the guaranteed inter-occupational minimum wage; this wage is the same for wage earners of either sex.

The Act of 11 February 1950 also provided, in the new form in which it drafted section 31 (*g*) of Book I of the Labour Code, that collective agreements which may be made compulsory by Ministerial Order for all the employers and wage earners in an occupational branch must contain a clause with regard to the methods of applying the principle of "equal pay for equal work" in the case of women and young persons.

None of the collective labour agreements and wage agreements in force at the present time provide different minimum wages for men and women with identical qualifications.

The principle of equality of remuneration as

between male and female workers is thus strictly observed.

*Article 3.* The principle of free discussion of wages having been brought back into force by the above-mentioned Act of 11 February 1950, the definition of the employments and the allotment of a graded coefficient of occupational qualifications are within the sphere of collective agreements.

The Government's report contains a table showing the results of the quarterly inquiry of the Ministry of Labour into the economic activity and the conditions of employment of the labour force. This inquiry, which concerns not only the minimum wages fixed by collective agreements or wages agreements but actual wages, makes it possible to calculate the average difference between the wages of men and women in each occupational category and each branch of economic activity. An examination of the table shows (a) that the average difference between the wages of women and men has decreased considerably since 1946 (15 per cent. against 6.1 per cent. on 1 July 1955); (b) that the difference decreases when regulations provide for an increase in wages, whether it is a question of the minimum wages of the period of wage regulation, or the guaranteed national inter-occupational minimum wage fixed in application of the Act of 11 February 1950.

The report considers that this difference between the actual wages of men and women signifies that, in general, the difference between the remuneration of men and the guaranteed minimum wage and the minimum wages in collective agreements is greater than the difference in the case of women.

The Labour Inspection and Manpower Service carries out the supervision of the legal provisions mentioned above.

#### *Mexico (First Report).*

Constitution of the United States of Mexico of 1917. Federal Labour Act of 18 August 1931 (L.S. 1931—Mex. 1).

Under article 133 of the Constitution, the ratification of the Convention by the Senate of the Republic and the deposit of the instrument of ratification published in a decree signed by the President of the Republic have made the application of the Convention compulsory throughout the country. It now has the force of a national law and repeals any provisions to the contrary. Since its promulgation every citizen may enjoy the rights and must respect the obligations which result from it, and the authorities are responsible for supervising its application.

*Article 1 of the Convention.* Section 84 of the Labour Code defines wages as the remuneration which must be paid by the employer to the employee in virtue of the contract of employment. Section 86 of the Code states what is included in the wage and defines the criterion which is applicable to the principle of equality of remuneration. The report indicates that the sense which the Convention gives to the term "remuneration" and to the phrase "equal remuneration for men and women workers for work of equal value" corresponds to the definitions in Mexican legislation.

*Article 2.* Article 123, paragraph VII, of the Constitution provides that equal work must be given equal pay, regardless of sex, and section 86 of the Labour Code extends this provision by stipulating that in fixing the amount of the wages in each class of work the quantity and quality of the work shall be taken into account and equal wages shall be paid for equal work performed in equivalent posts with the same working day and the same conditions of efficiency, and that distinctions shall not be made on the ground, *inter alia*, of sex. The application of this principle is secured by section 22, paragraph V, of the Labour Code, which provides that any provision to the contrary shall be null and void and shall not bind the contracting parties, even if it is explicitly laid down in the contract.

*Article 3.* In Mexico it is the quality of the work which is taken into consideration in classifying employments in the collective agreements. However, there is an increasing tendency to equalise the actual wages of men and women, taking as a basis for assessing the work the effort exerted and not the output. It has not been possible, however, to introduce this principle into the legislation because of the fear that employers would abstain from engaging women who, although they may exert an equal effort, very often produce a smaller output than men.

*Article 4.* The collective contracts in which the wages of all the workers in an undertaking are fixed are drawn up in collaboration by employers, workers and the Government; the latter co-operates through the agency of the Labour and Social Welfare Secretariat, which is also responsible for ensuring that the provisions of the Convention are observed. In this way the co-operation of the employers' and workers' organisations is secured.

The Secretariat of Labour, the conciliation boards, the federal conciliation board and the federal and regional labour inspectors are responsible for supervising the application of the above-mentioned laws. The supervision is also effected by the share which the Labour and Social Welfare Secretariat takes in drafting collective and labour agreements.

There is no report of the Labour Inspectorate nor any statistics of recorded contraventions.

#### *Philippines (First Report).*

Act No. 679 of 15 April 1952 to regulate the employment of women and children, to provide penalties for violation hereof, and for other purposes (L.S. 1952—Phi. 1).

Act No. 1131 of 16 June 1954, to amend Act No. 679 (L.S. 1954—Phi. 2).

Act No. 679 provides for the application of the principle of equal remuneration.

According to recent statistics, out of approximately 2,855,000 women workers, 2,150,000 are employed in agriculture; the remainder are found in gainful occupations in factories, shops and other industrial establishments. Information on wages of women in agriculture is not available as most women are not employees or labourers but tenants, tenants' wives or children and are widely scattered. The proposed establishment of regional offices of the Depart-

ment of Labour is expected to afford a broader and clearer picture of the position of women's wages in agriculture.

The Department of Labour has received no complaint on wage discrimination based on sex, but this should not be construed as implying that there are no breaches of the legal provision on equal remuneration.

Recently a survey has been conducted by the Department of Labour in 25 representative establishments in industries employing women exclusively and in mixed industries; in all the undertakings where male and female workers were engaged in common employment no wage discrimination was found. Men and women usually perform different types of work, and the principle of equality of remuneration for work of equal value is seldom applicable. Equality of remuneration raises no difficulty in government offices where positions may be occupied by employees of either sex. However, executive positions are not easily accessible to women.

The Department of Labour, in collaboration with labour groups and civic organisations, is making efforts to create conditions which favour the application of the principle by such means as (1) encouragement of the creation of strong

trade unions among women workers; (2) education of employers and employees through seminars and open forums, the press and the radio; (3) decentralisation of the Department of Labor by means of regional offices; (4) intensive and extensive inspections of factories, shops and other industrial establishments; (5) posting of abstracts of the law in commercial and industrial centres of labour; and (6) community education in rural areas by means of plays and other programmes.

The enforcement of Act No. 679, as amended, is entrusted to the Woman and Child Labour Section of the Labour Inspection Division of the Bureau of Labour.

#### *Yugoslavia.*

In reply to the Committee of Experts' request for additional information about the prospects of applying Article 3 of the Convention, the Government states that it has not been found necessary to introduce any special procedure to fix wage rates for women workers or to ensure that the principle of equal pay is observed. Under existing methods jobs are fairly rated and wages are fixed according to a scale which takes no account of the worker's sex.

## THIRTY-FIFTH SESSION (GENEVA, 1952)

### 101. Holidays with Pay (Agriculture) Convention, 1952

*This Convention came into force on 24 July 1954*

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 . . . . .	30. 9.1954
Sweden . . . . .	12. 8.1953
Uruguay . . . . .	18. 3.1954
Yugoslavia . . . . .	30. 4.1955

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

Annual Holidays Act of 4 July 1951 (L.S. 1951—Isr. 3).  
Regulations of 1951 under sections 22 and 36 of the above-mentioned Act.

*Articles 1 and 2 of the Convention.* Holidays with pay in agriculture are provided for under the above-mentioned Act. The provisions of the Act constitute a minimum standard and collective agreements provide in many cases for holidays of a longer period. Section 37 of the Act provides for consultation with representative workers' and employers' organisations in matters connected with the enforcement of the Act. The Act itself was drafted after consultation with a tripartite advisory committee.

*Article 3.* The minimum duration of annual holidays as laid down by the Act is 12 working days. There is no prescribed minimum period of continuous service as a condition of the granting of annual holidays. Workers receiving wages on a monthly basis and workers receiving wages on a daily basis who have worked for more than 75 days with the same employer or in the same undertaking are entitled to proportionate holidays. Daily workers who have worked for less than 75 days receive compensation in lieu of holidays through the holiday funds (sections 2, 3, 4 and 18 to 25 of the Act).

*Article 4.* The Act applies to all workers, with the exception of sharecroppers (section 35 (a) (1)).

*Article 5, clause (a).* Young workers are entitled to 18 days' holiday, that is, 16 working days (section 27 (a) of the Employment of Children and Young Persons Act, 1953).

*Clause (b).* The Act does not provide for an increase in the duration of holidays with the length of service; this is usually done through collective agreements.

*Clause (c).* Proportionate holidays or payment in lieu thereof are ensured to all workers (sections 3 and 15 of the Act).

*Clause (d).* The days excluded from annual holidays with pay are enumerated in section 5 of the Act.

*Article 6.* The Act provides for the continuity of annual holidays, but these may, with the consent of the worker, be divided so that one period shall consist of at least seven consecutive days (section 8 of the Act).

*Article 7.* Every worker is entitled to holiday pay equivalent to the wages which he would receive if he worked during the holiday period. In the case of wage earners, the holiday pay is based on the average earnings for the three months preceding the holidays. Payments in kind are replaced by the cash equivalent (section 10 of the Act).

*Article 8.* An agreement to relinquish the right to annual holidays is void under civil law and also in view of the fact that failure to grant holidays constitutes an offence punishable by the courts.

*Article 9.* Every worker is entitled to payment equivalent to the holiday pay if his employment comes to an end before he has enjoyed his right to an annual holiday.

*Article 10.* The Labour Inspectorate supervises the application of the Act. In the case of daily workers in respect of whom payments are due to the Agricultural Workers' Holiday Fund, the officials of the fund ensure the supervision of the Act.

*Article 11.* The provisions of the Convention are implemented by the Annual Holidays Act and the regulations thereunder. The relevant legislation applies to all agricultural workers, with the exception of sharecroppers. The question of defining agricultural occupations does not therefore arise.

The number of agricultural workers employed by the same employer for a considerable period is rather small. Most of the workers are employed for a season or on a daily basis in the citrus groves. In these cases the Agricultural Workers' Holiday Fund serves as a collecting agency and supervises through the payrolls the compliance with the Act. Considerable sums are accumulated by the fund, since workers do not always collect the amounts due to them. These sums are being invested in recreation homes.

*New Zealand (First Report).*

Annual Holidays Act of 4 April 1944 (L.S. 1944—N.Z. 3) as amended by the Acts of 24 November 1945 (L.S. 1945—N.Z. 4), 17 September 1947 (L.S. 1947—N.Z. 1), 21 October 1949 (L.S. 1949—N.Z. 4) and 1 December 1950 (L.S. 1950—N.Z. 2).

The Department of Labour estimates that the total number of persons engaged in agriculture in April 1955 was 135,500; of this number it is estimated that approximately 55,000 would be workers coming within the terms of the Convention.

The Act is administered by the Department of Labour.

See also under Convention No. 52, third and fourth paragraphs.

More detailed information will be found in the voluntary report for the period 1952-53.

*Sweden (First Report).*

Act No. 420 of 29 June 1945 respecting annual holidays (L.S. 1945—Swe. 2), as amended by Act No. 336 of 29 June 1946 (L.S. 1946—Swe. 1), Act No. 303 of 25 May 1951 (L.S. 1951—Swe. 1 A) and Act No. 661 of 26 November 1954.

*Articles 1 and 2 of the Convention.* The conditions respecting annual holidays in agriculture are contained in the general legislation, which lays down minimum provisions. In the collective agreements respecting agriculture provision is also made for annual holidays. Representatives of the principal occupational organisations took part as committee members in the preparation of the reports on which the annual holidays legislation is based; these organisations are free to express their views on proposed legislation in this field by means of the usual reference procedure.

*Article 3.* Section 7 of the Annual Holidays Act provides that the holiday shall consist of one-and-a-half days for each calendar month in which the employee performed work for the employer for not less than 16 days. Similar provisions are set out in the collective agreement for agricultural workers.

*Article 4.* The Convention is applicable to all employees in agriculture, with the exception of persons who are members of the employer's family or whose remuneration consists solely of a share in profits.

*Article 5.* In accordance with the Annual Holidays Act, all employees without exception, whatever their age and the length of the period of employment, receive an annual holiday of three weeks. The right to one-and-a-half days' holiday per month begins as soon as the employee has done 16 days' work in the calendar month. Sundays are not counted in the annual holiday but public and customary holidays are included (public holidays are only included if the annual holiday consists of not less than six consecutive days).

*Article 6.* Section 12 of the Act provides that the annual holiday should be granted in a continuous period, unless an agreement to the contrary is made with the employee. If the holiday exceeds 12 days it may be divided into two periods, one of which being of not less than 12 days.

*Article 7.* Section 14 of the Act provides that employees who are paid at time rates reckoned by the week or a longer unit of time are entitled to the remuneration due for the period of the holiday; every other employee receives for each day of the annual holiday an amount equal to his average daily earnings during such days of the qualifying year during which he worked for the employer. An employee who is boarded by the employer is entitled to reasonable compensation. More detailed provisions regarding the calculation of holiday pay are set out in the collective agreement.

*Article 9.* An employee whose employment comes to an end is entitled to compensation for any annual holiday for which he has qualified and which he has not taken. Conformity with the provisions of the Act is guaranteed by the right of either party to sue the other before the ordinary courts of law or the labour court.

*Article 10.* There is no special body for supervising the application of the provisions of the Convention. Liability for damages acts as a deterrent from infringement of the provisions of the Act and accordingly it lies with either the employer or employee or, if there is a collective agreement, with the signatory organisation, to take action in case of infringement. The report states that this arrangement for supervision of conformity with the Act is regarded as fully satisfactory.

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, 21 and 41), Canada, Ceylon, Chile, Colombia, Cuba, Denmark, Dominican Republic, Egypt, Finland, France, Federal Republic of Germany, Greece, Hungary, India, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Mexico, Netherlands,*

*New Zealand, Norway, Pakistan, Peru, Philippines, Portugal, Sweden, Switzerland, Turkey, Union of South Africa, United Kingdom, United States, Uruguay, Yugoslavia.*

The Governments of the following countries state that copies of their reports have been communicated to the representative workers' organisations :

*China, Czechoslovakia.*

The Government of *Liberia* states that organisations of employers and workers are in process of being established.

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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 1954 to 30 June 1955.

### GENERAL NOTES

#### *New Zealand.*

#### *Cook Islands.*

The inhabitants of the Cook Islands, who are closely bound by ties of common ancestry with the Maori people of metropolitan New Zealand, are British subjects and New Zealand citizens.

Nevertheless, they live in a climate and environment which are markedly different from those of New Zealand itself. The volcanic and coral islands which comprise the group are small and scattered. They lie within or near the zone of the tropics, between 1,600 and 2,200 nautical miles from the New Zealand coast. The total population of the Islands is approximately 20,000 persons.

One island—Niue—stands apart from the rest, historically as well as geographically. The other islands, though widely separated, have a common tradition; and the people of these islands maintain as close an association with each other as distance will allow. Each of the islands forms a natural unit of local government; but Rarotonga is the administrative centre for all of the islands other than Niue, and is also the focal point for trade and travel.

The Minister of Island Territories, who is responsible to Parliament for the affairs of Cook Islands exercises his administrative functions through the New Zealand Department of Island Territories. The Cook Islands Act of 1915, and its amendments, provide a basic code of laws for the Cook Islands and make provision for the appointment of Resident Commissioners who are responsible for the executive government of Niue, and of the other Cook Islands respectively.

The Resident Commissioners who are appointed by the Governor General preside over the Island Councils of Niue, and of Rarotonga.

In the Cook Islands other than Niue the Island Councils have certain powers to make local ordinances; but the body which makes laws for the Islands as a whole is the Legislative Council. The Resident Commissioner presides over this Council and the Council's ordinances require his assent or that of the Governor General. The Council's law-making powers are subject only to the overriding effect of those New Zealand statutes which are in force in the Cook Islands, and to the Governor General's power to disallow any ordinance which must be exercised within one year after assent has been given to the ordinance in question.

The small group of Cook Islanders who leave their family lands to take up permanent paid employment travel to Rarotonga or further

afield. A number go under contract as phosphate workers to the French island of Makatea (contracts will not be renewed after this year owing to unemployment in Tahiti); some, among whom the majority are women, go to New Zealand to learn trades or to engage in other employment. The administration maintains a close supervision over departure from the Islands and satisfies itself as to the good health and character of all who wish to travel beyond the territory.

During the year special attention has been given to the construction in the outer islands of water catchments. The report enumerates also works completed in Rarotonga (maintenance work on buildings and roads, classrooms, etc.).

In the field of health the administration is assisted by the South Pacific Health Service, an organisation established in 1946 by agreement between the Governments of New Zealand and Fiji and the Western Pacific High Commission.

The Cook Islands are also one of the territories within the area of the South Pacific Commission, an advisory and research body established in 1947 by agreement among the Governments of the United Kingdom, the United States, the Netherlands, France, Australia and New Zealand. The broad objective of the Commission is the economic and social advancement of all the island peoples of the South Pacific.

#### *Tokelau Islands.*

At 31 March 1955 the estimated population was 1,796.

During the year under review no major development projects have been undertaken; but general repairs and maintenance work have been carried out, and new water-catchment areas have been built. Partitions have been placed in the copra shed at Fakaofu.

A sustained effort is being made to exterminate rats which constitute the biggest obstacle to increased production.

#### *Western Samoa.*

During the past two years certain political developments have taken place which affect the introduction of new labour legislation which would facilitate the extension to the territory of Conventions ratified by New Zealand.

In a policy statement of 19 March 1953 the Prime Minister of New Zealand emphasised the Administering Authority's desire that the people of Western Samoa should now assume a larger measure of responsibility for the affairs of the Trust Territory, and invited the Samoan people to consider political, economic and social changes which would bring them closer to the goal of full self-government. The Administering Authority would, in the words of the policy state-

ment, "assist Samoa to develop: (1) a strong, responsible and representative central government whose authority is accepted by the community, and which is Samoan in outlook, personnel and in the basis of its power; (2) a united population comprising all Samoan citizens regardless of race; and (3) the administrative machinery, the institutions and the knowledge necessary for the solution of the political, social and economic problems that will come during the next generation".

This statement of future policy has continued to give direction to the activities of the territory. The Administering Authority's Development Plan has provided an incentive to progress and a forecast for political activity during the year. A first annual report on the progress of the plan was presented to the Legislative Assembly in March 1954.

The central feature of the political programme outlined by the Administering Authority is that a constitutional convention representative of all sections of the Samoan community should be held in the territory. At this convention the Samoan people would have the opportunity to crystallise their own views and to make recommendations as to the form of their future government. Preparatory studies were carried out under the direction of a Working Party set up in September 1953 and consisting of Samoan members of the Executive Council and other Samoan and European representatives. In July 1954 the Working Party made provisional recommendations to the High Commissioner which were widely circulated throughout the territory. The convention finally assembled at Mulinu'u from 10 November to 23 December 1954, and its recommendations make it plain that the Samoan people wish to develop a constitution modelled on the British parliamentary system; in general they follow the pattern suggested in the Administering Authority's statement of March 1953. The convention's competence to discuss alternative proposals was unlimited, and it called on the High Commissioner at an early stage in its deliberations to address it on the subject of forms of government. The convention was a representative body, and its resolutions must be regarded as a clear expression of political opinion in the territory. The convention transmitted its recommendations to the New Zealand

Government where, in pursuance of an undertaking given in the statement of policy, they will be earnestly considered.

The report of the official of the New Zealand Department of Labour who visited the territory to report on labour conditions and to suggest desirable labour legislation was debated by the Legislative Assembly in October 1954 and submitted to a Select Committee for further consideration. The result of the Committee's deliberations has not yet been made available. Proposals to extend certain international labour Conventions to include Western Samoa must accordingly, in the meantime, await the outcome of the Committee's recommendations, and subsequent legislative action.

#### *Portugal.*

#### *Macao.*

The Government states that the application of international labour Conventions to Macao is extremely difficult owing to the very special conditions in the territory.

The large majority of the population of 187,992—according to the census of 1950—is Chinese; nearly all the workers and most of the employers are Chinese and, as a general rule, both workers and employers are much attached to their special system of work. Accordingly, no major labour dispute has been notified during the period under review. A few disputes of minor importance were settled by the competent authorities to the satisfaction of both parties to the dispute.

Nevertheless, the Government does not cease to exert itself to ensure the protection of the legitimate rights and interests of employers and workers so as to prevent labour disputes.

Thus, labour contracts concluded between the larger undertakings in the territory and their workers include special clauses relating to hours of work, wages and allowances for overtime, benefits in the event of sickness or death, workmen's compensation, etc.

Wage earners employed in the public services, who number some hundreds, enjoy all the advantages which the State grants to its civil servants, in particular as regards hours of work, wage supplements for increase in the cost of living, medical care and sick benefits, etc.

## 1. Hours of Work (Industry) Convention, 1919

*This Convention came into force on 13 June 1921*

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*Belgium.* Ratification: 6 September 1926.  
Decision reserved: Belgian Congo and Ruanda-Urundi.

*France.*<sup>1</sup> Ratification: 2 June 1927.  
No declaration.

*Italy.*<sup>1</sup> Ratification: 6 October 1924.  
No declaration.

*New Zealand.* Ratification: 29 March 1938.  
No declaration.

*Portugal.* Ratification: 3 July 1928.  
Decision reserved: all non-metropolitan territories.

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<sup>1</sup> Conditional ratification.

#### *Belgium.*

#### *Belgian Congo and Ruanda-Urundi.*

In its report for the period 1953-54 the Government stated that there was as yet no regulation of hours of work in industry partly because the industrialisation of the Belgian Congo is of recent date and partly because the 48-hour week and the eight-hour day are fairly general in industrial undertakings in this territory.

It was only in 1948 that the trade unions included the regulation of hours of work among their claims. The matter has been examined

by the Government Council, which has expressed the wish that there may be introduced in the colony legislation modelled as regards content on the Act of 14 June 1921 establishing in Belgium the eight-hour day and the 48-hour week.

In its report for the period 1954-55 the Government states that a draft decree relating to hours of work is to be submitted to the Colonial Council after a joint committee has examined the amendments proposed to the first draft by the Government Council of the Belgian Congo.

#### *New Zealand.*

##### *Cook Islands and Niue.*

Niue Traders Hours of Business Amendment Ordinance No. 28 of 1927.

In view of the small number of persons engaged in regular paid employment, and of the very small number of persons employed in secondary industries, the introduction of special legislation to enable this Convention to be applied to the territory is not considered to be warranted. It is, however, relevant to mention that hours of work are regulated in the Cook Islands (except Niue) by virtue of collective agreements; and in Niue, by the Niue Traders Hours of Business Amendment Ordinance No. 28 of 1927.

##### *Western Samoa.*

The period of employment for labour employed by the Government is generally restricted

to a 44-hour week, with a full holiday on Saturdays, Sundays and other holidays. Ample provision is usually allowed by employers to workers for holidays and recreation, and most employers follow the example of the Government, which, as the biggest employer of labour, can to a large extent set an effective example. The Shopping Hours Ordinance, 1931, and amendments, limit the hours for which shops and stores may be open to the public and thus control the hours of shop workers. There is no underground work, and no night work save on wharves when ships are being worked. Except as noted above there are no regulations specifically restricting the hours of work of employees.

#### *Portugal.*

##### *Angola.*

From 1 July 1954 to 30 June 1955, 361 contraventions of the timetable of work were reported; the corresponding fines were paid voluntarily except in nine cases where it was necessary to institute proceedings.

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

*Portugal*: Cape Verde, Portuguese Indies, S. Tomé and Príncipe.

## 2. Unemployment Convention, 1919

*This Convention came into force on 14 July 1921*

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*Belgium.* Ratification: 25 August 1930.  
Decision reserved: Belgian Congo and Ruanda-Urundi.

*Denmark.* Ratification: 13 October 1921.  
Applicable without modification: Faroe Islands.  
Not applicable: Greenland.

*France.* Ratification: 25 August 1925.  
No declaration.

*Italy.* Ratification: 10 April 1923.  
No declaration.

*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.

*Union of South Africa.* Ratification: 20 February 1924.  
Not applicable: South-West Africa.

*United Kingdom.* Ratification: 14 July 1921.  
Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands and Isle of Man.

No declaration: all other non-metropolitan territories.

#### *Belgium.*

##### *Belgian Congo and Ruanda-Urundi.*

The Government states that at present there is no unemployment problem either as regards indigenous labour or as regards non-indigenous workers. This position seems likely to continue in years to come, particularly owing to the public works programme that is being implemented under the ten-year plan for the development of the territory.

In the official manpower offices in the major centres, however, there are employment offices which have to be notified by the employers whenever a worker is discharged or whenever a worker's contract expires. The report states that it does not seem necessary at present to alter the existing scheme.

#### *France.*

##### *Algeria.*

In 1954, 75,403 offers of and applications for employment were received. Of this total 14,941 vacancies were filled and 15,303 persons were placed in employment.

In Algeria there is no unemployment insurance system; the only scheme provided for unemployed wage-earning workers is relief work through the establishment of work projects for the unemployed in the municipalities.

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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.

*French Equatorial Africa.*

The existing placement offices will be expanded to form manpower offices as soon as budgetary funds permit. This is now being done in the territory of Ubangi Shari.

There are no private employment agencies and at present there is no unemployment insurance.

*French Settlements in Oceania.*

After some slowing up of economic activity had shown itself at the end of the first Four-Year Plan, a drive was made to develop agriculture; large work projects are to be undertaken at the beginning of 1956 and workers are about to be placed in New Caledonia.

*French Somaliland.*

During the period under review 523 applications for employment were received, 219 of which were filled.

*French West Africa.*

General Order No. 5-388/IGTLS. AOF. of 13 July 1955.

There is a manpower office in each of the territories which make up the federation.

The General Order cited above made arrangements for the lodging of declarations of workers' movements in accordance with section 172 of the Act of 15 December 1952.

The present organisation of the labour market does not seem to call for the establishment of an unemployment insurance scheme. The labour force is made up, to some extent, of workers who take paid employment only for relatively short periods, depending on their ability to maintain themselves in their places of origin by their own production. This practice helps to balance labour supply and demand, and can considerably limit the effects of any unemployment.

The major duties of the employment services are, on the one hand, to help secure an optimum distribution of skilled and semi-skilled labour and, on the other, to give foreign workers wishing to enter the country highly accurate information on the real employment opportunities and terms of employment for them.

*Guadeloupe.*

Owing to the fact that the regulations with regard to assistance to workers without employment are not applicable to Guadeloupe, the labour inspection service has only very incomplete information with regard to the number of unemployed, which is considerable mainly during the seasonal slack period in the cultivation of sugar cane and the manufacture of sugar. A credit of 100 million francs was voted in the budget of the Ministry of Labour and Social Security for 1955 to assist the unemployed in the four Overseas Departments by the creation of works projects.

There is only one private employment agency in the department, and it would appear not to be operating.

During the period under review 275 applications for employment were registered, 61 of which were from workers resident in metro-

politan France; 20 vacancies were notified and five persons were placed. During the same period 628 contracts for foreign workers were approved by the appropriate service.

*French Guiana.*

There was no unemployment during 1954; the continuing work on equipment ensured a volume of work adequate for the manpower in employment.

The Cayenne employment exchange placed 113 persons in 1954.

There is no unemployment insurance scheme in French Guiana.

*Madagascar.*

Unemployment in Madagascar has increased since 1953 owing to a continuation of the economic crisis. However, because of the lack of an unemployment benefits agency, through which a census might have been taken, the actual unemployment figures can only be estimated.

In the light of rough figures provided by the Tananarive placement office, and having regard to the fact that many persons registered with it are not workers who have lost their jobs but persons wishing either to find more lucrative employment or to become employed for the first time, the number of unemployed is estimated at 1,000 Madagascans and 200 Europeans, most of whom have come from Réunion and Mauritius.

These are usually non-specialised workers for whom there is no demand on the employment market, e.g. commerce and office employees. Apart from this, however, many refuse offers made through the placement office and some do not even reply to notifications from this office.

These are the facts in the light of which the statistics of the Tananarive placement office must be interpreted. In 1954 the latter received 889 job offers (58 Europeans and 831 indigenous persons) as compared with 3,782 applications (724 Europeans and 3,058 indigenous persons) and placed 975 persons (193 Europeans and 782 indigenous persons). From 1 July 1954 to 30 January 1955 the number of job offers was 1,073, and that of job applications 4,713; 1,109 persons were placed.

*Martinique.*

During the period under review the number of applications for employment was 1,147, the number of vacancies was 400, and the number of persons placed was 39.

*Morocco.*

Order of the Resident-General of 9 December 1930.  
Order of the Vizier of 20 March 1945.  
Director's Order of 20 March 1945.

Unemployment relief works have been begun in Casablanca and Meknès. These works were decided on in March 1955 to give employment to unskilled labourers. The building of these roads and motorways is entrusted to private undertakings and is under the permanent supervision of the Directorate of Public Works. The labour force is recruited exclusively by employment offices, and there is a preliminary inquiry into each unemployed person's rights taking into

account in particular the number of his dependants.

Under the Order of the Resident-General cited above, a Moroccan Manpower Office has been set up under the Directorate of Labour and Social Affairs for the free placing of workers of both sexes and of any trade or profession. This Moroccan Manpower Office consists of the Central Labour Department in the Directorate of Labour and Social Affairs and of the free public employment offices that are open in all towns where the need is felt. At present the Manpower Office has public employment offices in Casablanca, Meknès, Rabat and Oudjda. Two other employment offices were opened in Casablanca in 1955 and two more are to be opened in 1956. There are also free public employment offices set up by the municipalities and subject to the technical supervision of the Moroccan Manpower Office. Such offices exist in Fez, Port Lyautey, Marrakesh and Agadir.

The Dahir of 27 September 1921, cited in a previous report, lays down that free employment offices may be set up in the French Zone of Morocco only by the State and the municipalities and that the establishment of any fee-charging employment agency or office is prohibited, whatsoever its title and whatever the occupation with which it deals. Private employment agencies have been abolished and the only agencies still surviving are those for the employment of artistes of all kinds. The fees charged by these agencies are paid exclusively by the employers, and no payments are made by the artistes.

The Vizier's Order cited above provides for the establishment of a joint supervisory board for each of the employment offices in Casablanca, Fez, Marrakesh, Meknès, Port Lyautey, Rabat and Oudjda. These boards are responsible for dealing with complaints concerning the working of the employment offices and for informing the administration of any measures that seem likely to give better results.

The Director's Order cited above governs the membership of the joint supervisory boards. The chairman in each case is the chief officer of the area or territory; the employers' and workers' representatives are nominated by their organisations and appointed by the chief officer of the area.

During the period covered by this report 33,297 applications and 21,380 vacancies were registered; 19,634 placings were made.

Unemployment Assistance Regulations dated 30 June 1934 provide for equality of treatment for all workers, whether French, Moroccan or other.

The application of the laws and regulations on unemployment and public employment offices is the responsibility of the Director of Labour and Social Affairs; the organisation and working of the inspection services are superintended by a deputy divisional labour inspector.

#### *New Caledonia.*

The information office of the labour administration and labour inspectorate received about 500 applications for employment, 100 of which were given a favourable reply.

It appears that the present lack of placing machinery for workers will shortly be remedied.

A proposal for the institution of a labour office was finalised by the labour inspectorate and the advisory committee. It is to be presented to the General Council during the next budgetary session; the regulations of this office conform to the provisions laid down in the Act of 15 December 1952.

#### *Réunion.*

There is a significant increase in the number of unemployed, mainly owing to an annual increase in population of between 7,000 and 8,000 persons. It is estimated that nearly 10 per cent. of the working population is unemployed (5,000 to 6,000 totally unemployed and 5,000 to 6,000 partially unemployed).

Work reserved for the unemployed has been undertaken: a credit totalling 20 million francs has been opened; the workers were paid the current agricultural rates. A committee of aid to the unemployed was set up in March 1955; it was perforce chiefly engaged in distributing goods in kind (especially rice).

The emigration of Réunion families to Madagascar has continued; the experimental village of Sakay, on the high plateaux of Madagascar, is in a position to receive between 150 and 200 families every year. The report states that this is not enough, however, to provide a complete solution of the unemployment problem.

The staff of the Labour Inspectorate does its utmost with very limited means to place applicants for employment; the establishment of an effective manpower service in the near future is contemplated. Municipalities are paying attention to the situation of the unemployed but they chiefly confine themselves to a preliminary census and subsequently to opening local workings mainly for the maintenance of roads and railways, etc.

During the period under review the number of applications for employment received was estimated at 3,000 and the number of placings effected at 450.

Réunion has about 100,000 wage earners, of whom 55,000 are employed in agriculture, 25,000 in commerce, industry and transport, 15,000 in domestic service and 5,000 in administrative employment.

It is not possible to contemplate establishing an unemployment insurance scheme without systematic supervision of employment, which assumes the establishment of a specialised service capable of making a complete census of manpower and discovering placing possibilities.

There are no professional actors in Réunion. There are ten cinemas which employ a total of 30 wage earners.

#### *Togoland.*

During the period under review 325 applications for employment were received.

#### *Netherlands.*

##### *Netherlands Antilles.*

The report states that, although the number of persons placed by the Government's emergency bureau was larger than ever before, the total number of unemployed diminished but slightly. It is considered that a stable aver-

age of about 2,000 unemployed persons should be envisaged.

*Netherlands New Guinea.*

The report states that, as there is a great demand for manpower in Netherlands New Guinea, the urgency to make provisions for the combating of unemployment has not yet appeared. Generally speaking, every job seeker can find a job without the intermediary of an unemployment office. The Government is of the opinion that it does not seem appropriate for the time being to make statutory regulations or establish employment offices.

*Surinam.*

There is no special legislation in the field of unemployment and the Convention has not been declared applicable to Surinam, since the local authorities do not consider such application necessary. During the period under review an organised employment service was established, with the assistance of an expert from the Netherlands, for the registration and placing of workers, and the Government requires that all public bodies should avail themselves of the service when engaging workers. There are no private employment agencies. It is proposed to establish a board of control for the service, which will be composed partly of representatives of employers and workers. There is no unemployment insurance, but unemployed persons are eligible for social assistance and a number of them may be employed on public works.

*United Kingdom.*

*Barbados.*

The report contains figures for the period under review in respect of the number of persons registered for and placed in employment. A Juvenile Employment Service came into operation during the period. The employment survey mentioned in the report for the year 1953-54 was expected to be completed by the end of 1955. The Government now has under active consideration the report, mentioned in the information given for the year 1953-54, of the expert who had undertaken on its behalf a survey into the possibility of instituting a scheme of social insurance.

*British Honduras.*

During the period under review preliminary work was undertaken for an employment survey, designed to secure information on under-employment, unemployment and the capacity of the population to provide manpower for economic development.

*Cyprus.*

During the year 1954, 27,111 vacancies for men were notified and 25,599 were filled; 3,301 vacancies for women and girls were notified and 2,806 were filled. The employment offices dealt with the following cases of special classes of applicants: 135 disabled persons were registered and 106 were placed; 72 juvenile delinquents were registered and 63 were placed; 86 ex-prisoners were registered and 65 were placed.

There was some unemployment among the port workers of Larnaca but this and other possibly isolated cases do not change the general picture of full employment.

*Gibraltar.*

During the period under review 3,744 applications for employment were received; the number of vacancies notified was 5,908 and 5,376 persons were placed in employment. The average rates of registered unemployment among British subjects were 0.69 per cent. for men and 2.28 per cent. for women. The contributory scheme of social insurance to be brought into operation before the end of 1955 will not provide for unemployment benefit as was originally envisaged; however, under a non-contributory scheme financed entirely from the revenues of the territory, such benefit will be payable to British subjects and foreigners domiciled in Gibraltar.

*Gold Coast.*

During the period under review 67,060 applications for employment were received; 12,997 vacancies were notified; and 9,706 vacancies were filled.

*Guernsey (First Report).*

No legislation or administrative regulations have been enacted to give effect to the Convention.

*Article 1 of the Convention.* It is proposed to send to the Office copies of unemployment statistics which are submitted to the States of Guernsey twice annually by the States Labour and Welfare Committee. It is suggested that the incidence of unemployment is such that more frequent transmission would serve little or no purpose. Copies will likewise be sent periodically of the text of measures proposed and taken to combat unemployment.

In the winter months relief work is provided for unemployed males if they are physically suitable, priority being given to work schemes where the proportion of labour cost to total cost is high and which are of the highest public utility value. Unemployment during the winter 1954-55 was relatively low, the peak period occurring in the week ended 14 January 1955 when 37 men were being employed on relief work. Relief work is not provided for unemployed females, who depend on public assistance if in need.

*Article 2.* Two free public employment offices are maintained by the States through the States Labour and Welfare Committee. During the year under review 3,540 applications for employment (1,863 from males and 1,677 from females) were received at these offices and 636 vacancies were notified to them; 1,006 persons were placed in employment. The States Labour and Welfare Committee is appointed by the States of Guernsey; its constitution does not provide for the appointment, as such, of representatives of employers and workers. There are no private free employment agencies.

*Article 3.* There is no system of insurance against unemployment.

Appended to the report are copies of the "Billets d'Etat" dated 1 December 1954 and 22 June 1955 containing reports of the States Labour and Welfare Committee on Unemployed Relief Work, and copies of resolutions on the "Billets d'Etat" of the same dates containing decisions on these reports.

*Jersey (First Report).*

Insular Insurance (Jersey) Law, 1950.  
 Insular Insurance (Contributions) (Jersey) Order, 1951.  
 Insular Insurance (Contributions) Amendment No. 2 (Jersey) Order, 1953.  
 Insular Insurance (Reciprocal Agreement with Great Britain) (Jersey) Act, 1954.

*Article 1 of the Convention.* Certain statistics concerning the occupational and sex distribution of a cross-section of assisted unemployed persons are contained in the report.

*Article 2.* There is one public employment exchange and one youth employment office. The amount of unemployment in Jersey is not considered sufficient to warrant the setting-up of advisory committees.

*Article 3.* There is no legislation in Jersey which provides benefit or allowances for the involuntarily unemployed. By virtue of the provisions of the Insular Insurance (Reciprocal Agreement with Great Britain) (Jersey) Act, 1954, a person insured under the National Insurance Act of Great Britain, who, on coming to Jersey, is unemployed during any week, is entitled to be credited with a contribution for that week, provided that he has paid 26 contributions as an employed person under the Great Britain Act and has paid or had credited 26 contributions, either as an employed person or self-employed person, under the Jersey law during the preceding contribution year.

*Leeward Islands.*

At 30 June 1955, 185 workers from Antigua and 288 from St. Kitts-Nevis-Anguilla were employed in the United States, and 36 from Antigua, 60 from Anguilla and 58 from Montserrat were employed in St. Croix. The emigration of persons to the United Kingdom in search of employment there has gathered momentum and comparatively large numbers have migrated each month. By 30 June 1955 a total of 372 workers from St. Kitts-Nevis-Anguilla and 1,207 from Montserrat had left for the United Kingdom. Considerable numbers of workers from Antigua also emigrated to the United Kingdom. This migration to the United Kingdom is not sponsored by the Government.

Maximum employment existed in the British Virgin Islands and unemployment very noticeably decreased.

*Federation of Malaya.*

There has been constant progress in the Federation of Malaya, particularly with reference to the work of the employment exchanges. During the year under review 25,593 first applications for employment were received; 8,471 vacancies were notified and 7,068 persons were placed in employment. The setting up of advisory committees has not progressed as quickly as was expected, but one committee is now functioning in Penang.

*Malta.*

Employment Service Act No. XIV of 1955.

The above Act is designed to apply the Convention without modification; statistics as required by Article 1 of the Convention are communicated to the I.L.O. Free employment agencies, one in Malta and one in Gozo, have been established under the control of the Department and to which the provisions of the Act apply. A National Employment Board, consisting of three independent persons, two persons representing employers' interests and two persons representing workers' interests, has been created under section 10 of the Act. In view of the new requirement that a number of categories of workers be engaged only through the employment service the importance of this service has been enhanced and there is a much larger registration of unemployed or under-employed persons, as well as a much larger number of placings in employment.

*Nigeria.*

A Juvenile Employment Bureau has now been established in Lagos. During the period under review 46,314 applications for employment (including re-registration) were received from adults, 4,099 vacancies were notified and 1,360 adults were placed in employment. During the same period 5,697 applications for employment (including re-registration) were received from juveniles, 1,688 vacancies were notified and 713 juveniles were placed in employment.

*St. Helena.*

The average number of unemployed persons throughout the period under review was 208.

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

*Denmark:* Faroe Islands, Greenland.

*France:* Cameroons, St. Pierre and Miquelon.

*Italy:* Trust Territory of Somaliland.

*New Zealand:* Cook Islands and Niue, Western Samoa.

*United Kingdom:* Aden, Bahamas, Basutoland, Bechuanaland, Bermuda, British Guiana, British Somaliland, Brunei, Dominica, Grenada, Hong Kong, North Borneo, Nyasaland, St. Vincent, Sarawak, Seychelles, Swaziland.



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 Guiana, French Settlements in Oceania, French Somaliland, French West Africa, Guadeloupe, Madagascar, Martinique, New Caledonia, St. Pierre and Miquelon, Réunion, Togoland.

No declaration: Algeria, Morocco, Tunisia.

*Italy.* Ratification: 22 October 1952.

Applicable with modification: Trust Territory of Somaliland.

*United Kingdom.*

Applicable with modification<sup>2</sup>: Fiji, Nigeria, Southern Rhodesia, Singapore, Solomon Islands.

No declaration: Channel Islands and Isle of Man.  
Decision reserved<sup>3</sup>: all other non-metropolitan territories.

<sup>1</sup> This Convention was revised in 1952 by 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.*

During the period under review the cost of benefits granted in conformity with clause (c) of Article 3 of the Convention amounted to 95,651,170 francs (this figure includes benefits paid to wage earners working in the mines, ports and transport undertakings).

*Comoro Islands (First Report).*

Act No. 52-1322 of 15 December 1952, sections 115 to 117, to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).  
Order No. 55-40/IT of 23 February 1955 respecting the work of women and children.

The report quotes the provisions of sections 115 to 117 of the Act of 15 December 1952. The above-mentioned Order applies to all institutions without exception, whatever may be the nature of their activities, "whether they are agricultural, commercial or industrial, public or private, secular or religious, and even if they are designed for vocational education or are charitable institutions or undertakings in private houses...". Every woman is protected by law, regardless of age or nationality, and for each pregnancy.

The period of absence from work is 14 weeks, of which six follow the confinement with a possible extension for a further three weeks in the event of illness resulting from the confinement; a provision of the regulations lays down that women who are pregnant may not be required to carry, push or drag any load whatsoever during their pregnancy or during the three weeks which follow their return to work after confinement. A pregnant woman may leave her work without notice and without having to pay compensation for breaking her contract; the same provision applies during the nursing period. She is entitled to free medical care, at the employer's expense and to 50 per cent.

of her wages. A mother who is nursing her child is entitled to one hour's rest every day, taken in two stages, at fixed hours to be agreed between herself and her employer.

The employer cannot give a pregnant woman or a woman who is confined notice during the 14 weeks—plus three possible further weeks—of her absence from work.

The enforcement of the regulations is entrusted to the Inspectors of Labour and Social Legislation. No legal decision has been given during the period under review with regard to the application of the Convention.

In the territory of the Comoro Islands, which is a Mohammedan country, very few women are employed in undertakings: one single establishment employs ten women.

*French Equatorial Africa.*

The Convention has no practical application for the Federation owing to the much more favourable provisions contained in Act No. 52-1322 of 15 December 1952. The Inspectorate of Labour and Social Legislation is responsible for supervising the enforcement of the regulations.

*French Somaliland.*

Order No. 787 of 17 June 1955 to apply section 115 of Act No. 52-1322 of 15 December 1952.

*French West Africa.*

Act No. 52-1322 of 15 December 1952, section 116 as amended, paragraphs 5 and 6.  
General Order No. 5254/IGTLS.AOF of 19 July 1954 to fix the methods for implementing the legal provisions respecting the work of women and children.

In accordance with the provisions of section 116, as amended, of the Act of 15 December 1952, any pregnant woman is entitled during her absence from work—at the employer's expense—to free attendance and half the wages which she was earning when she left her work; she retains her right to any benefits in kind. If there are any inter-undertaking medical services, the obligation to provide the free attendance mentioned above may fall upon these services instead of on the employer. The half wages benefit is paid by the equalisation funds for family allowances, provided under section 237 of the Act of 15 December 1952; the funds will open a separate account for this purpose, financed by the employers' contributions; until these equalisation funds are established, the benefits will continue to be paid by the employer.

Title II of the General Order mentioned above lays down special provisions with regard to the employment of pregnant women or women who are nursing their children. The total rest period granted to mothers for nursing their children is fixed at one hour a day during working hours; this hour is divided into two periods of 30 minutes each, one during the morning working hours and the other during the afternoon; these half-



hour rest periods shall be taken at hours fixed by agreement between the mothers and the employer; the mother shall always be able to nurse her child in the undertaking, and for this purpose a special nursing room must be arranged, at the demand of the Labour Inspector, in every establishment, or near every establishment, which employs more than 25 women.

The Order includes a provision which lays down that women may not be employed during a period of eight weeks in all before and after their confinement and, in particular, it prohibits the employment of women during the six weeks following their confinement. The prohibition covering the period which precedes the confinement applies when the woman or the medical service of the undertaking has notified the head of the undertaking of the woman's pregnancy and of the presumed date of her confinement. These provisions are applicable without prejudice to the provisions of section 116 of the Act of 15 December 1952, which enable pregnant women to be absent from work for 14 consecutive weeks, taking into account the six weeks of compulsory rest subsequent to confinement. Another provision of the General Order stipulates that women may not be obliged to carry, push or drag any weight whatsoever during the three weeks which follow their return to normal work after their confinement. The same prohibition applies to pregnant women, subject to notification of their state of pregnancy to the employer, either by themselves or by the medical service.

#### *Guadeloupe.*

The social security provisions with regard to benefit to be paid to women during the weeks which precede and follow their confinement were to come into force for confinements which took place after 31 July 1955.

No difficulty has been recorded with regard to the right of the pregnant woman to leave her work under the conditions laid down in clause (b) of Article 3 of the Convention.

#### *Réunion.*

The cost of free medical care, for which most of the wage earners are eligible, amounted to 920 million francs in 1953 and 1,000 million in 1954. In 1955 more than 72,000 claims were submitted.

#### *Togoland.*

Order No. 130-54/C of 8 February 1954.

The prescribed maternity benefits are provided by the employer; as from 1 January 1956 they will be granted by the Equalisation Fund of the territory.

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

*France:* Cameroons, French Guiana, French Settlements in Oceania, Madagascar, Martinique, Morocco, New Caledonia, St. Pierre and Miquelon.

*Italy:* Trust Territory of Somaliland.

## 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: Belgian Congo and Ruanda-Urundi.

*France.*<sup>2</sup> Ratification: 14 May 1925.

Applicable without modification: Algeria, Cameroons, Comoro Islands, 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: Trust Territory of Somaliland.

*Netherlands.*<sup>2</sup> Ratification: 4 September 1922.

No declaration.

*Portugal.* Ratification: 10 May 1932.

Not applicable: all non-metropolitan territories.

*Union of South Africa.*<sup>2</sup> Ratification: 1 November 1921.

No declaration

*United Kingdom.*<sup>2</sup> Ratification: 14 July 1921.

Applicable *ipso jure* without modification<sup>3</sup>: Channel Islands, Isle of Man.

No declaration: all other non-metropolitan territories.

#### *France.*

#### *Algeria.*

The Government states that the number of persons protected by the legislation was 30,576, and that the special provisions with regard to the employment of women during the night are very seldom infringed in Algeria (one case of this kind was reported which gave rise to action by the Labour Inspectorate).

#### *Comoro Islands (First Report).*

Act No. 52-1322 of 15 December 1952 to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

Order No. 55-40/IT of 23 February 1955 respecting the work of women and children.

Decrees of 28 December 1937 to extend to the territories under the Ministry for Overseas France the provisions of the international Conventions adopted at Washington concerning the night work of women and children.

The report states that the Convention is applied to all establishments, irrespective of the nature of their activities.

Section 114 of the Labour Code for Overseas France and section 8 of the order of 23 February 1955 provide that the rest period of women and children shall not be less than 11 consecutive hours.

<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.

Children, workers and apprentices and women may not be employed at night on any work in undertakings of an industrial nature between 8 p.m. and 6 a.m. (section 7 of the order).

In industries where the work is connected with the processing of materials subject to rapid deterioration, temporary exceptions may be made, if notice is given, to the prohibition of night work in the case of adult women. Managers of industrial undertakings or establishments are required to notify the Inspector of Labour and Social Legislation of every such exception (section 9 of the order).

As regards Article 3 of the Convention, the report states that according to the regulations no distinction is made as regards women on the grounds of age or the nature of their duties.

The Inspectors of Labour and Social Legislation supervise the application of the legislation.

In practice no woman is employed during the night.

#### *French Equatorial Africa.*

There are very few workers covered by the Convention; throughout the territory only a few women are employed during the night as bar manageresses, cashiers in hotels and cinemas, and broadcasting assistants.

#### *French West Africa.*

Decree of 18 September 1936 to ensure the protection of women and children in employment in French West Africa (L.S. 1936—Fr. 13).

Decrees of 28 December 1937 to extend to the territories under the Ministry for Overseas France the provisions of the international Conventions adopted at Washington concerning the night work of women and children.

General Order No. 5254/IGTLS.AOF of 19 July 1954, to establish the methods for applying the legislative provisions relating, *inter alia*, to the employment of women.

The General Order of 19 July 1954, which was issued in application of sections 114 to 117 and 119 of the Act of 15 December 1952, to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France, is designed specifically to cover the aims of Convention No. 4.

Section 3 of the above-mentioned order lays down that women may not be employed on any work at night in factories, works, mines and quarries, work sites and workshops and their dependencies.

The hours when work shall be considered as night work are established by an order of the chief of the territory, issued in application of the provisions of section 113 of the Overseas Labour Code.

In conformity with section 114 of the Overseas Labour Code, the rest period for women and children shall not be less than 11 consecutive hours (section 5 of the General Order). The exception to this principle is provided for in section 4 of the General Order which states that, in industries where the work is in connection with the processing of materials subject to rapid deterioration, temporary exceptions may be made to the provisions of section 3 of the General Order, provided an application is made in advance to the District Inspector for Labour and Social Legislation. This appli-

cation must be made by means of a telegram or a reply-paid postcard.

Unless this special authorisation has been obtained in advance from the Inspector of Labour and Social Legislation of the territory, the exception may not be taken advantage of for more than 15 nights during the year; in all cases the women in question must be allowed a rest period corresponding to the period of time worked.

#### *French Guiana.*

Labour Code, Book II (sections 21 to 29).

The report states that the definition contained in section 21 of Book II of the Labour Code is in conformity with the provisions of Article 1 of the Convention.

The provisions of paragraph 1 of Article 2 are applied by sections 22 and 23 of Book II of the Code; the exceptions provided for in paragraph 2 are not reproduced in French legislation.

Article 3 is applied in full by French legislation.

Section 25 of Book II of the Labour Code does not provide for exceptions in the cases of *force majeure* referred to in Article 4 of the Convention. Exceptions in the case of raw materials subject to rapid deterioration are covered by section 24 of Book II of the Labour Code and by the Decree of 5 May 1928. In practice, no use is made of these exceptions in French Guiana.

The exceptions authorised under Articles 6 and 7 of the Convention are not included in French legislation.

Supervision is entrusted to the Labour Inspectorate.

The provisions of the Convention are inapplicable in French Guiana, where there are no industries which work continuously and where women are seldom employed during the night in industry.

#### *Morocco.*

There are now 21 labour inspectors and 25 labour controllers.

The report adds that very few infringements have been reported as regards the legislative provisions relating to the night work of women.

#### *Réunion.*

Decree of 22 May 1916 to promulgate the Réunion Labour Code.

Decree of 1 July 1933 to apply the Night Work (Women) Convention, 1919, in Réunion, and Order of the Governor of 12 September 1933 to promulgate the Decree.

Decree of 31 October 1938 to apply certain provisions of Book I of the Labour Code to the Old Colonies.

Decree of 2 March 1939 to extend certain provisions of Book II of the Labour Code to the Old Colonies.

Decree 48-592 of 30 March 1948 to extend the Labour Code to the four Overseas Departments.

*Article 1 of the Convention.* Decree No. 49-1154 of 2 August 1949 and the nomenclature of undertakings which it contains are applied in Réunion.

*Article 2.* Section 13 of the Decree of 22 May 1916 defines the term "night" as the ten-hour

period between 8 p.m. and 6 a.m.; section 14 of the decree mentioned above defines "night" as a period of 11 hours.

*Articles 3 to 7.* The provisions of the Labour Code apply in Réunion.

The Labour Inspectorate is entrusted with the enforcement of provisions concerning night work.

Sugar factories are the only undertakings where work is done at night. About 250 women are employed, representing about 5 per cent. of the total labour force. No cases of night work by women have been reported.

*St. Pierre and Miquelon.*

During the period under review no women were employed on night work in industrial establishments.

*Togoland.*

Order No. 884-55/ITSL of 28 October 1955 respecting the night work of women and children.

The Order of 28 October 1955 respecting the night work of women and children provides that women may not be employed at night in any class of undertaking between 8 p.m. and 6 a.m.

At least 11 hours of uninterrupted rest must be granted to women workers.

The Order authorises temporary exemptions in industries which handle goods subject to rapid deterioration. However, heads of under-

takings or establishments must always advise the Inspector of Labour and Social Legislation before resorting to the exemptions provided for in the order.

*Italy.*

*Trust Territory of Somaliland.*

In reply to a request for information from the Committee of Experts in 1955 the report states that the Italian administration of Somaliland has not granted any authorisation for continuous work up to the present time. It may be anticipated, however, that in order to meet the territory's requirements for unbleached cloth, the local weaving factory, the only one which exists in Somaliland, will be obliged to adopt a timetable including a second and eventually a third working shift. This measure seems inevitable owing to the necessity of using the looms—of which there are only 100—to the maximum, and also in order to compensate by local production for the decrease in imports of this type of article owing to shortage of currency.

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

*France:* Cameroons, French Settlements in Oceania, French Somaliland, Guadeloupe, Madagascar, Martinique, New Caledonia.

*Portugal:* Angola, Cape Verde, Portuguese Indies, S. Tomé and Príncipe.

## 5. Minimum Age (Industry) Convention, 1919<sup>1</sup>

*This Convention came into force on 13 June 1921*

*Belgium.* Ratification : 12 July 1924.  
Decision reserved : Belgian Congo and Ruanda-Urundi.

*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 : 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.

*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 : all other non-metropolitan territories.

<sup>1</sup> This Convention was revised in 1937. See Convention No. 59.  
<sup>2</sup> See footnote 1 to Convention No. 2.

*Denmark.*

*Faroe Islands.*

Act No. 145 of 18 April 1925 respecting the employment of children and young persons (L.S. 1925—Den. 1).

For details of the provisions of the above Act relating to minimum age of admission to industry, the report refers to the report for Denmark covering the period 1951-52.

The local Faroese authorities are responsible for supervising the application of the legal provisions in question.

*France.*

*Algeria.*

The number of children protected by the legislation was 25,481.

During the period under review, proceedings were instituted in 22 cases relating to commercial and industrial establishments. Offences were noted particularly during the school holidays, when a large number of children from needy homes, especially among the Mohammedan French, go out to work. Every year in the Department of Oran, the beginning of the season for the manufacture of vegetable horse hair is accompanied by employment of children in an industry which is considered to be a dangerous one.

*Cameroons.*

Order No. 982 of 27 February 1954 to fix the age for admission of children to employment and the types of work and categories of undertakings in which they may not be employed.

In application of the above-mentioned order, when any children are recruited a nominal list must be sent by the undertaking to the Inspector of Labour and Social Legislation within eight days of recruitment; the head of the undertaking must also send the Inspector of Labour and Social Legislation, for every child employed, the references to the identity card and, whenever possible, the birth certificate or, in the absence of a birth certificate, an abstract of the supplementary judgment which takes its place, and also a medical certificate.

#### *Comoro Islands (First Report).*

Act No. 52-1322 of 15 December 1952 to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

Order No. 55-40/IT of 23 February 1955 respecting the work of women and children.

Under section 118 of the Labour Code for Overseas France no child may be employed in an undertaking as an apprentice or otherwise before the age of 14 years, save where exceptions are authorised by order made by the chief officer of the territory after receiving the recommendations of the labour advisory board, taking account of local circumstances and the jobs which the children may be required to do.

The above-mentioned order, issued in application of section 118, paragraph 2, of the Labour Code, applies to all establishments whatever the nature of their activities, even to those establishments which are conducted for the purposes of occupational instruction, including family undertakings. This order contains a list of industrial employments which are prohibited for young persons between 16 and 18 years of age.

Two types of measures ensure the application of the Convention, as follows: the recruitment of all children must be effected on the basis of a list of names forwarded within eight days to the labour inspector; and the heads of undertakings must also forward to the labour inspector an extract from the birth certificate, as well as a medical certificate in respect of each child employed by them.

The Inspectors of Labour and Social Legislation are responsible for the application of the legislative provisions; for this purpose they are supplied with the necessary documents and evidence. They are authorised to request the medical examination of any child whom they consider appears to be carrying out work which is not in keeping with its apparent strength.

The only industries which exist in the territory are industries for the transformation of agricultural products, i.e. oil-works and the preparation of vanilla. Only the latter employs a few children on work requiring skill rather than strength. No child under 14 years of age is employed in industrial work.

#### *French Equatorial Africa.*

The report points out that the Convention is without practical interest in French Equatorial Africa since the relevant provisions of the Overseas Labour Code (sections 115 et seq.) are more favourable than those of the Convention. A

list of local implementing regulations is appended to the report.

The legislation makes no distinction between industry, commerce and agriculture. The exception provided for in Article 2 of the Convention, in respect of public or private undertakings in which only the members of the same family are employed, is not applied during periods of school attendance. No provision is made in local regulations for the exception allowed under Article 3 of the Convention. All local regulations provide that nominal lists of workers between 14 and 18 years of age must be forwarded within eight days of the date of hiring to the Inspector of Labour and Social Legislation and that copies of them must be annexed to employers' registers.

Enforcement of the law is entrusted to the Inspectorate of Labour and Social Legislation for Overseas France, which is governed by sections 145 to 160 of the Labour Code, and to judicial police officers.

#### *French Somaliland.*

Order No. 786 of 17 June 1955 issued under section 118 of the Labour Code for Overseas Territories.

#### *French West Africa.*

A local order concerning the employment of children was issued at the end of the first half of 1954 in order to give effect to the statutory provisions of sections 118 and 119 of the Labour Code for Overseas Territories. The reasons adduced for the order cover explicitly Convention No. 5, and the order lists the work on which children under 16 or 18 years of age shall not be employed. It lays down that when any young persons under 18 years of age are recruited the undertaking shall send a nominal list to the competent Inspector of Labour and Social Legislation within eight days of recruitment, and that the head of the undertaking shall also be required to send the Inspector of Labour and Social Legislation, for every young person employed, the birth certificate or, in the absence of a birth certificate, an abstract of the supplementary judgment which takes its place, and also a medical certificate.

#### *Morocco.*

In orphanages and charitable institutions in which primary education is given, manual and vocational instruction for children under the age of 12 may not exceed three hours daily. When children aged 12 or over receive exclusively manual or vocational training it may not last more than eight hours a day.

The local authorities issue parents, guardians or employers with free booklets in which are inscribed the names and surnames, date and place of birth and domicile of children under 16 years of age. Each booklet is deposited with the employer so long as the child is in his employment; he writes down the dates on which the child enters and leaves his employment, and the child's vocational qualifications at the time of entry, together with new skills acquired and new duties performed in the course of that employment.

*Réunion.*

Decrees of 22 May 1916, 31 October 1938 and 2 March 1939 to extend some of the provisions of Book I of the Labour Code to the Overseas Territories.

Decree No. 48-592 of 30 March 1948 to extend the Labour Code to the Overseas Territories.

In 1955 only 75 per cent. of the children in Réunion were able to be admitted to schools; 25 per cent. of the young persons under 14 years of age could not find places in the schools.

The age for admission to employment, which since 1916 has been fixed at 13 years, is now 14 years.

Since 1948 the model of the register kept in the undertakings has conformed to the metropolitan model.

The action of the Labour Inspectorate is somewhat flexible when the children cannot attend any school; on the other hand, it is normal in localities where there are school premises. It is anticipated that within three years the minimum age for admission to employment, fixed at 14 years, will be strictly insisted upon.

*St. Pierre and Miquelon.*

Exemptions have been granted in a few cases, with regard to the minimum age for admission to employment, for the employment of a small number of boys of 13 to 14 years of age on light work in fish processing during the school holidays.

*Netherlands.**Netherlands Antilles.*

Labour Regulation of 1952.

The above regulation, which entered into force on 1 October 1954, covers all undertakings. The exceptions provided for by Articles 2 and 3 of the Convention are met by the regulation. Enforcement is in the hands of the Labour Inspectorate, which is part of the Social and Economic Affairs Department, and each undertaking is required to keep a register showing the date of birth of each worker.

*Netherlands New Guinea.*

Statute Book of the Netherlands East Indies, 1925-647.

Recruitment Regulation.

Decree No. 9259/18 of 10 December 1954, issued by the Director of Health Care.

The Statute Book of the Netherlands East Indies of 1925-647 covering, *inter alia*, the regulation of child labour, is formally still applicable in this country. Under this regulation it is prohibited for children to work at night between 8 p.m. and 5 a.m. Children under the age of 12 years are not allowed to perform heavy work and, as a rule, may not work in closed rooms. Under the legislation concerning the recruitment of manpower the minimum age was fixed at 16 years.

The report states that child labour is not a problem in Netherlands New Guinea as there is no economic necessity for it. It is in the urban centres where most cases of child labour are to be found, generally of youths who have run away from home. In these cases the police ensure that they return to their parental home. The technological training for children

given by the public authorities and by private persons receives the constant attention of the officials of the Labour and Safety Inspectorate.

*Surinam.*

A Bill concerning the employment of children and young persons, in which the provisions of the Convention have been taken into account to the greatest extent possible, is now before the legislature.

*United Kingdom.**Aden.*

A member of the Legislative Council asked the Government to take immediate steps to investigate the extent to which children under 15 years are employed in the territory and to take measures to bring such employment under rigid control with a view to preventing their exploitation and to regulating their hours of work.

*Brunei.*

Labour Code, 1932 (Enactment No. 4/32).

Labour (Amendment) Enactment, 1934 (Enactment No. 2/34).

Labour (Amendment) Enactment, 1938 (Enactment No. 4/38).

Labour Enactment No. 11 of 1954.

Notifications Nos. 18 and 19 of 1955.

"Industrial undertaking" is defined in terms of the Convention. The legislation provides that children under the age of 14 years shall not be employed in any public or private industrial undertaking or in any branch thereof nor in any ship other than an undertaking or ship in which only members of the same family are employed. There is no approved form of register.

The Controller of Labour is responsible for the application of the legislation. He is assisted by two Assistant Residents as deputy controllers of labour and one factory inspector. Apart from the Oil Company there are few industrial undertakings. A warning is generally sufficient to ensure that an offence is not repeated.

*Cyprus.*

The Commissioner of Labour did not issue any licences for the employment of persons under the age of 14 years as apprentices. However, street trading by persons under the age of 16 years, especially during the summer when schools are closed, has led to contraventions of the Children and Young Persons (Employment) Law.

*Gold Coast.*

During the year ending 31 March 1955 four cases involving the infringement of the law relating to the employment of children were successfully prosecuted in the courts and fines ranging from £6 to £30, with corresponding terms of imprisonment ranging from three months to six months, were imposed.

*Guernsey (First Report).*

Law of 20 November 1926 respecting the employment of women, young persons and children.

Safety of Employees (Miscellaneous Provisions) Ordinance, 1952.

Quarries (Safety) Ordinance, 1954.

The report states that the Law of 20 November 1926 respecting the employment of women, young persons and children gives effect to the Convention. Under article IV of this Law, "industrial undertaking" has, with regard to the employment of children, the meaning assigned thereto in the Convention. Article V, as amended, empowers the States of Guernsey by ordinance to define the line which separates industry from commerce and agriculture, although no ordinance has been made so far.

The application of Article 2 of the Convention, is implemented by section 1 of article I and section 2 of article III of the Law.

The Law does not provide any specific exemption with regard to work performed by children in technical schools.

Employers in industrial undertakings are required under section 4 of article I of the Law to keep registers of young persons in their employ, giving the dates of their birth, and the dates on which they enter and leave the service of their employer. These registers are at all times open to inspection.

Under the Safety of Employees (Miscellaneous Provisions) Ordinance, 1952, and the Quarries (Safety) Ordinance, 1954, registers have to be kept showing, *inter alia*, the above particulars so that these incidentally comply also with the above requirement.

The States Labour and Welfare Committee is responsible, through its inspectors, for seeing that the provisions of the ordinances mentioned in connection with Article 4 of the Convention are carried out. Any contravention of the Law implementing the Convention will be reported to the Law Officers of the Crown for action.

#### *Jersey (First Report).*

Law respecting the application to the Island of Jersey of the provisions of certain Conventions concerning the employment of women, young persons and children, confirmed by Order in Council of 17 December 1929.

Section 1 of the above law and the First Part of the Schedule to it give legislative effect to Articles 1, 2, 3 and 4 of the Convention.

No decision concerning the line of division separating industry from commerce and agri-

culture has yet been taken by the competent authority, which according to section 2, paragraph (a), of the Law, is the Legislative Committee of the States of Jersey.

Section 2, paragraph (b), of the Law designates the Public Instruction Committee of the States of Jersey (now renamed the Education Committee) as the public authority for the purposes of Article 3 of the Convention.

The application of the Convention in Jersey is necessarily very limited in view of the definition of "industrial undertakings"; however in so far as it is applicable the Convention is considered to be applied satisfactorily.

#### *Leeward Islands.*

During the year under review 21 persons were warned by the Department of Education in Antigua in respect of the non-attendance at elementary schools of children under the age of 14 years.

#### *Federation of Malaya.*

During the period under review seven prosecutions were instituted, all of which were successful; fines totalling \$500 were imposed.

#### *North Borneo.*

Labour (Amendment) Ordinance, 1955.

The amendments made were largely on matters of detail.

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

*Belgium:* Belgian Congo and Ruanda-Urundi.

*Denmark:* Greenland.

*France:* French Guiana, French Settlements in Oceania, Guadeloupe, Madagascar, Martinique, New Caledonia, Togoland.

*United Kingdom:* Bahamas, Barbados, Basutoland, Bechuanaland, Bermudas, British Guiana, British Honduras, British Somaliland, Dominica, Gibraltar, Grenada, Malta, Nigeria, Nyasaland, St. Helena, St. Vincent, Sarawak, Seychelles, Swaziland.

## 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 reserved: Belgian Congo and Ruanda-Urundi.

*Denmark.* Ratification: 4 January 1923.  
Applicable without modification: Faroe Islands, Greenland.

*France.* Ratification: 25 August 1925.  
Applicable without modification: Algeria, Cameroons, Comoro Islands, 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: Morocco, Tunisia.

*Italy.* Ratification: 10 April 1923.  
Applicable with modification: Trust Territory of Somaliland.

*Netherlands.*<sup>2</sup> Ratification: 17 March 1924.  
No declaration.

*Portugal.* Ratification: 10 May 1932.  
Not applicable: all 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: all other 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.

#### *Belgium.*

*Belgian Congo and Ruanda-Urundi.*  
Decree of 21 March 1950.

The Government states that Ordinance No. 21/16 *bis* of 20 January 1948, which reproduces certain fundamental Articles of the Convention, regulates the night work of indigenous young persons and is even more strict than the Convention in that it does not allow for the same exceptions to the principle of the prohibition of night work for young persons.

The possibility of extending these measures to non-indigenous young persons is under consideration.

It is also to be noted that section 1 of the Decree of 21 March 1950 lays down that the Governor-General is to prescribe measures to ensure technical safety and health at the place of employment as well as to safeguard the health of any indigenous or non-indigenous person who is a party to a contract of employment, articles of apprenticeship, a contract for employment on probation or a contract of any other type for the hire of labour.

#### *Denmark.*

##### *Faroe Islands.*

Act No. 145 of 18 April 1925 respecting the employment of children and young persons (L.S. 1925—Den. 1).

The report, which states that the above-mentioned legislation is also applicable to the Faroe Islands, refers to the report for Denmark covering the period 1951-52 for detailed information regarding the provisions of the above-mentioned Act.

The local Faroese authorities are responsible for ensuring compliance with the provisions in question.

##### *Greenland.*

The report states that measures have been taken to prevent young persons under 18 years of age from being employed in any industrial undertaking during the hours between 10 p.m. and 5 a.m., and that young persons under 18 years of age are in fact given a period of rest of not less than 11 hours.

#### *France.*

##### *Algeria.*

A Ministerial Circular of 7 July 1894 laid down that small foodstuffs industries, which include bakeries, do not fall within the categories "factories, manufacturing undertakings, mines, etc. . .". For this reason, the Labour Inspection Service in Algeria has always considered that bakeries (apart from industrial bakeries) are outside the provisions of sections 21 et seq. of Book II of the Labour Code, and are therefore not subject to the provisions of section 20 which prohibit the employment of workers of either sex and any age between 10 p.m. and 4 a.m.

The total number of children protected by labour legislation in commerce and industry is 25,481. The number of infringements reported as regards night work of children, men and women was 31.

##### *Comoro Islands (First Report).*

For legislation see under Convention No. 4.

The report states that all establishments, irrespective of the nature of their activities,

are covered by the legislation; undertakings for the transport of passengers and goods and for the loading and unloading of goods are dealt with specifically in the local Order of 23 February 1955.

See also under Convention No. 4 as regards the rest period for women and children.

Children, workers and apprentices and women may not be employed at night on any work in industrial undertakings between 8 p.m. and 6 a.m. or in undertakings for the transport of passengers or goods by road or rail and in undertakings for the loading and unloading of goods (section 7 of the order of 23 February 1955).

According to section 9 of the same order, in industries where the work is connected with the processing of materials subject to rapid deterioration, temporary exceptions may be made, if notice is given, to the prohibition of night work in the case of young male persons over 16 years of age, in order to prevent accidents or to carry out repairs after accidents. Managers of undertakings must always notify the Inspector of Labour and Social Legislation of cases in which they wish to make use of any such exception.

In factories where continuous processes are used exceptions to the prohibition of night work may also be made in the case of young male persons over 16 years of age (section 10 of the order).

The report adds that there is only one industrial undertaking in which work is carried on continuously by day and by night and that, so far, no young person under 18 years of age has been employed therein.

Under Article 3 of the Convention the report states that the statutory night period is the period between 10 p.m. and 5 a.m. irrespective of the nature of the undertaking or of the season during which the work is carried out.

The Inspector of Labour and Social Legislation is responsible for supervising the application of the legislation.

##### *French Settlements in Oceania.*

At the present time there are no industries which employ workers at night, with the exception of the electrical works and bakeries, and these do not employ children under 18 years of age.

##### *French Equatorial Africa.*

The report states that the Convention is without interest in French Equatorial Africa since local legislation and statutory provisions are far more favourable than those of the Convention in that they prohibit the night work of all children under 18 years of age.

*Article 1 of the Convention.* The laws and regulations do not make any distinction between industry, commerce and agriculture.

*Article 2.* Local regulations in principle prohibit night work by all children under 18 years of age except where authorised on specified grounds and in specific individual cases by the Labour Inspector. No such authorisations have been applied for, as there are very few industries which work day and night in French Equatorial Africa.



*Article 3.* The above-mentioned prohibition applies also to bakeries.

No provision is made in local regulations for the exceptions permitted under Articles 4 to 7 of the Convention.

As regards the authorities entrusted with the enforcement of the laws and regulations, see Convention No. 5.

*French Somaliland.*

Order No. 786 of 17 June 1955 to implement section 118 of the Labour Code for Overseas Territories.

*French West Africa.*

In order to implement the legal provisions of section 118 of the Labour Code for Overseas Territories, a local order concerning the employment of young persons was issued in 1954 in each of the territories belonging to the Federation.

All these local orders provide expressly that young persons, whether workers or apprentices, may not be employed on night work of any kind between 10 p.m. and 5 a.m. in factories, manufacturing undertakings, mines, transport undertakings and loading and unloading undertakings.

The rest period of not less than 11 consecutive hours provided for young persons under section 114 of the Labour Code for Overseas Territories must include the period between 10 p.m. and 5 a.m.

Temporary exemptions from these provisions may be authorised for male young persons over 16 years of age in industries in which the work has to do with materials which are subject to rapid change, in order to prevent or repair accidents, and in factories in continuous operations.

The heads of the undertakings are required to warn the Inspector of Labour and Social Legislation in advance every time they wish to make use of these exemptions.

*Guadeloupe.*

Of the industries mentioned in the second paragraph of Article 2 of the Convention, in Guadeloupe the manufacture of sugar is the only one. Children under 18 years of age are not employed in that industry during the night. There are no mines in Guadeloupe. Children under 18 years of age are very seldom employed in bakeries, and they are not employed during the night.

*French Guiana.*

See under *Algeria*.

*Morocco.*

Order of the Vizier of 8 March 1948 to determine exemptions from the prohibition of night work for women and young persons.

The provisions of the Dahir of 2 July 1947 and the order cited above apply to both industrial and commercial establishments.

Temporary exemptions from the prohibition of night work are granted for the following establishments: establishments producing butter or cheese on a large scale, confectioners'

establishments, establishments engaged in the preserving of fruit and vegetables and the canning of fish, industrial establishments for the processing of milk and establishments for the extraction of flower essences. The exemptions are valid for a maximum of 60 to 90 days a year, according to the industry. An employer making use of the exemptions posts up in his establishment a chart showing the dates on which advantage has been taken of exemptions, the hours at which night work began and ended and the number of young persons who were employed in this work. The exemption is mentioned on the individual worker's work card. The chart is to remain posted up until 1 March of the following year.

Night work is defined as work carried out between 10 p.m. and 5 a.m. For young persons the break between two days of work is to include the night period of seven hours and is to last for a minimum of 11 consecutive hours.

No exemptions are authorised for coal or lignite mines. Night work is not prohibited in bakeries.

In cases of unemployment due to a non-recurrent interruption of work as a result of an accident or an emergency, the prohibition of night work may be ignored for as many nights as there were working days lost, provided the labour inspector is notified beforehand and informed of the nature of the interruption, the number of days lost and when they were lost, and the number and date of the nights for which the exemption is to be applied. This right to make up lost time may not be made use of for more than 15 nights a year without prior authorisation from the labour inspector.

Young persons may also be employed at night, provided the employer reports the fact to the labour inspector, in cases of urgent work the immediate performance of which is necessary to prevent accidents to movable or fixed equipment or to the buildings of the establishment.

*Réunion.*

Decree of 22 May 1916 to promulgate the Réunion Labour Code.

Decree of 31 October 1938 to apply certain provisions of Book I of the Labour Code to the Old Colonies.

Decree of 2 March 1939 to extend certain provisions of Book II of the Labour Code to the Old Colonies.

Decree No. 48-592 of 30 March 1948 to extend the Labour Code to the four Overseas Departments.

The report states that the existing laws and regulations (Chapter III, Part II, Title I of Book II of the Labour Code) are as favourable as the Convention.

Children are never employed at night in sugar factories; none of the other industries specified in Article 2, paragraph 2, of the Convention exist in Réunion.

Children are not employed at night in bakeries.

In view of the surplus of adult labour the possibility of making use of the exception provided for under Article 7 of the Convention has not been envisaged.

The Labour Inspectorate is entrusted with the enforcement of the legislation. No cases of night work by children have been reported.



*Togoland.*

Order No. 884-55 of 28 October 1955 respecting the work of women and young persons.

The Order of 28 October 1955 applies to young persons of either sex below 18 years of age who are employed in any establishment whatsoever, whether agricultural, commercial or industrial, public or private, secular or religious, even when these establishments engage in vocational training or charitable work, and to young persons employed by private individuals.

Young workers and apprentices may not be employed on any night work between 8 p.m. and 6 a.m. in establishments of an industrial character, in undertakings engaged in the transport of passengers or goods by road or rail, or in undertakings engaged in loading or unloading operations. Their nightly rest period must be at least 11 consecutive hours. Temporary non-observance of these provisions is permissible in the case of youths over 16 years of age to prevent impending accidents or to repair damage caused by accidents that have already occurred. The managers of undertakings or establishments must, however, notify the Inspector of Labour and Social Legislation when they wish to take advantage of this exemption. In factories with continuously operating furnaces, exemption from the prohibition of night work for youths over 16 years of age employed on essential operations can also be secured subject to the same conditions.

*Netherlands.**Netherlands Antilles.*

Labour Regulation of 1952.

The above regulation, which prohibits night work of young persons, covers all undertakings; the night period has been fixed from 8 p.m. to 6 a.m. Provision is made for exceptions in case of emergency, but no use has so far been made of such exceptions. The reservation contained in Article 7 of the Convention has not been made in the Labour Regulation.

See also under Convention No. 5.

*Netherlands New Guinea.*

See under Convention No. 5.

*Surinam.*

There is no night work of children in industrial undertakings.

See also under Convention No. 5.

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

*France*: Cameroons, Madagascar, Martinique, New Caledonia, St. Pierre and Miquelon.

*Italy*: Trust Territory of Somaliland.

*Portugal*: Angola, Cape Verde, Portuguese Indies, S. Tomé and Príncipe.

7. Minimum Age (Sea) Convention, 1920<sup>1</sup>

*This Convention came into force on 27 September 1921*

*Australia.* Ratification: 28 June 1935.

Not applicable: all non-metropolitan territories.

*Belgium.* Ratification: 2 February 1925.

Decision reserved: Belgian Congo and Ruanda-Urundi.

*Denmark.* Ratification: 12 May 1924.

Applicable without modification: Faroe Islands.

Applicable with modification: Greenland.

*Italy.* Ratification: 14 July 1932.

Applicable with modification: Trust Territory of Somaliland.

*Japan.* Ratification: 7 June 1924.

Not applicable: Pacific Islands (League of Nations mandate).

*Netherlands.*<sup>2</sup> Ratification: 26 March 1925.

No declaration.

*United Kingdom.* Ratification: 14 July 1921.

Applicable *ipso jure* without modification<sup>3</sup>: Channel Islands and Isle of Man.

No declaration: all other non-metropolitan territories.

At present these workers are covered by the Belgian Act of 5 May 1928, which the report states to be in accordance with the provisions of the Convention.

The possibility of applying the Convention is to be investigated in the light of the texts that are now being prepared.

*Italy.**Trust Territory of Somaliland.*

In reply to an observation made by the Committee of Experts in 1955 the Government states that it is contemplating renouncing the reservation, contained in its formal acceptance of the Convention, regarding the employment of young persons under 14 years of age on vessels employing not only members of the same family but members of the same tribe.

*United Kingdom.**Aden.*

Labour inspectors have been appointed by Government Notice to be authorised officers for the enforcement of the legal provisions giving effect to the Convention.

*Barbados.*

Existing legislation and administrative arrangements ensure that the provisions of the Convention are applied both in cases where

<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.

*Belgium.**Belgian Congo and Ruanda-Urundi.*

The administration is examining the possibility of drawing up legislation distinct from that applicable in Belgium on articles of agreement. This legislation would apply to both indigenous and non-indigenous seafarers.

vessels registered in the metropolitan country recruit part of their crews in the territory and also when vessels are registered in the territory itself. In the former case, the relevant provisions are sections 260 and 261 of the Imperial Merchant Shipping Act, 1894, and sections 1, 5 and 6 of the United Kingdom Employment of Women, Young Persons and Children Act, 1920; in the latter case, the relevant provisions are sections 2 and 4 of the Barbados Employment of Women, Young Persons and Children Act, 1938, as amended, together with Part IV of the Schedule to the Act.

#### *Basutoland.*

The maritime Conventions are regarded as inapplicable to this territory as it has no seaboard.

#### *Bechuanaland.*

The report states that maritime Conventions are regarded as inapplicable as Bechuanaland has no coast line.

#### *Bermuda.*

With reference to the request of the Committee of Experts, the Government states that existing legislation and administrative arrangements ensure that the provisions of the Convention are applied both in cases where vessels registered in the metropolitan country recruit part of their crews in the territory and where vessels are registered in the territory itself.

No young person under 14 years of age may be signed on any vessel registered in any port of the Commonwealth and, in a recent case in which the minimum age limit had been raised to 15 years in the articles of agreement of a vessel registered in the United Kingdom, the Bermudian authorities rejected a young person who sought to become a member of her crew because, although over 14, he had not yet reached 15 years of age.

#### *British Honduras.*

In reply to the Committee of Experts' request for additional information, the report states that existing legislation is adequate for the purpose of securing application of the Convention both in the case of inhabitants of the territory engaged on ships registered in the metropolitan country and in respect of ships of local registration.

#### *British Somaliland.*

In reply to the Committee's request in 1955 for further information, the report states that it is considered that existing legislation is sufficient to apply the Convention in the Somaliland Protectorate in regard to minimum age, medical examination and vessels registered in the territory.

#### *Brunei.*

Labour Code, 1932 (Enactment No. 4/32).  
Labour (Amendment) Enactment, 1934 (Enactment No. 2/34).  
Labour (Amendment) Enactment, 1938 (Enactment No. 4/38).  
Labour Enactment No. 11 of 1954.  
Notifications Nos. 18 and 19 of 1955.

The legislation stipulates that no child shall be employed in any ship except a ship approved by the Controller as a school- or training-ship. There is a sailing vessel owned and run by the sea scouts but no provision exists in law to exempt them from the effect of this legislation. No action is contemplated, however. There is no form of register.

#### *Cyprus.*

In reply to the Committee of Experts' request for additional information on the application of maritime Conventions, the report states: (1) that the existing legislation is sufficient to apply the provisions of the maritime Conventions concerning minimum age and medical examination of young persons where vessels registered in the metropolitan territory recruit all their crew in the territory; (2) that in the case of vessels registered in the territory, the existing legislation is applicable and will be sufficient to ensure the application of the standards laid down in the Convention.

#### *Guernsey (First Report).*

Act No. XI of 1926 respecting the employment of women, young persons and children.

The competent authority is the Minister of Transport and Civil Aviation in the United Kingdom; supervision and application of the legislation is carried out by the representative in Guernsey of H.M. Customs. The position in Guernsey is as shown in the United Kingdom reports on this Convention.

#### *Jersey (First Report).*

Order in Council of 17 December 1929.

Act to apply to the Island the provisions of certain Conventions relating to the employment of women, young persons and children.

For the competent authority in regard to the application of the legislation see under *Guernsey*.

#### *North Borneo.*

On 30 June 1955 there were 194 vessels on the colony's register of shipping, all but 33 of them being under 100 tons net.

#### *St. Helena.*

In reply to the Committee of Experts' request for additional information on the application of maritime Conventions, the report states that Conventions Nos. 7 and 16 are applied by the law of England which, so far as is locally applicable, is in force in the territory. The Government states that consequently it seems that the existing legislation would apply the provisions of the maritime Conventions concerning minimum age and medical examination if vessels registered in the metropolitan country were to recruit part of their crew in St. Helena; but that, on the other hand, since the term "ships" as used in the relevant laws of England must be construed as meaning British ships registered under the Merchant Shipping Acts it could not cover locally registered ships, and special local legislation would accordingly have to be enacted to apply these Conventions to ships of this category.

*St. Vincent.*

With reference to the Committee of Experts' request for additional information, the report states that where a vessel is 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.

*Southern Rhodesia.*

The report states that maritime Conventions are inapplicable as Southern Rhodesia has no seaboard.

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

*Australia*: Nauru, New Guinea, Norfolk Island, Papua.

*Denmark*: Faroe Islands, Greenland.

*United Kingdom*: Bahamas, British Guiana, Dominica, Gibraltar, Gold Coast, Grenada, Hong Kong, Leeward Islands, Federation of Malaya, Malta, Nigeria, Nyasaland, Sarawak, Seychelles, Swaziland.

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

*This Convention came into force on 16 March 1923*

*Australia*. Ratification: 28 June 1935.  
Applicable without modification: New Guinea, Papua.

Not applicable: Nauru, Norfolk Island.

*Belgium*. Ratification: 2 February 1925.  
Decision reserved: Belgian Congo and Ruanda-Urundi.

*Denmark*. Ratification: 15 February 1938.  
Applicable without modification: Faroe Islands.  
Not applicable: Greenland.

*France*. Ratification: 21 March 1929.  
No declaration.

*Italy*. Ratification: 8 September 1924.  
No declaration.

*Netherlands*. Ratification: 15 December 1937.  
No declaration.

*United Kingdom*. Ratification: 12 March 1926.  
Applicable *ipso iure* without modification<sup>1</sup>: Channel Islands and Isle of Man.  
No declaration: all other non-metropolitan territories.

tion are not covered by the Act which has just been mentioned, but certain local contracts extend the benefits of the Act to a number of officers and ratings.

*Guadeloupe*.

See under *Algeria*.

*Martinique*.

See under *Algeria*.

*Morocco*.

The report states that it would be desirable to consider the application of this Convention to Morocco except for the manning of ships for limited coastal navigation or local fisheries, but that it seems still premature to propose that a formal declaration of acceptance should be lodged in this connection.

*Réunion*.

See under *Algeria*.

*Netherlands*.

*Netherlands New Guinea*.

Commercial Code, section 452 (g).

Section 452 (g) of the Commercial Code provides that in case of loss or foundering of the ship the shipowner is obliged to pay to the members of the crew an indemnity up to an amount equal to part of the wages fixed by labour agreement in accordance with the hours worked. This amount does not include bonuses and other allowances payable for overtime or for special services, or which are connected with special equipment, destination or cargo of the ship. The claim to indemnification has priority over all the personal property and real estate of the shipowner, in the same way as arrears of wages.

The report states that the above-mentioned regulation is in accordance with the provisions applicable in the Netherlands and is in force for the whole crew, including Natives.

*United Kingdom*.

*Basutoland*.

See under Convention No. 7.

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

*Australia.**Nauru.*

In the absence of local shipping services the Convention is not applicable to this territory.

*France.**Algeria.*

The report states that all the maritime Conventions which have been ratified by France are applicable in the same way as in the home country, as domestic legislation covering the provisions of those Convention is of *de facto* application.

*French Guiana.*

See under *Algeria*.

*French West Africa.*

Seamen from French West Africa who are in possession of a Class A seaman's identity booklet and who are properly engaged on board ships fitted out in France are eligible, just like seamen from France, for the benefits provided for under the Act of 15 February 1929 (not more than two months' wages). Indigenous seamen who go to sea on French vessels from home ports in territories that form part of the Federa-

*Bechuanaland.*

See under Convention No. 7.

*Guernsey (First Report).*

Merchant Shipping (International Labour Conventions) Act, 1925.

Merchant Shipping (Guernsey) Order, 1927.

The Minister of Transport and Civil Aviation in the United Kingdom is the competent authority and application of the Convention is supervised and enforced through the representative in Guernsey of H.M. Customs. The position in Guernsey is as shown in the United Kingdom reports on this Convention.

*Hong Kong.*

During the year under review there were three cases of foundering of Hong Kong and United Kingdom registered ships and indemnities were granted under Article 2 of the Convention.

*Jersey (First Report).*

See under *Guernsey*.

*North Borneo.*

See under Convention No. 7.

*Sarawak.*

Since the introduction of the Labour Ordinance No. 24 of 1951 on 1 July 1952, and simul-

taneously the repeal of the Labour Conventions Ordinance, there is now no legislation to give effect to this Convention. A new draft Merchant Shipping Ordinance has been prepared for enactment by the Council Negri.

*Southern Rhodesia.*

See under Convention No. 7.

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

*Australia*: New Guinea, Norfolk Island, Papua.

*Belgium*: Belgian Congo and Ruanda-Urundi.

*Denmark*: Faroe Islands, Greenland.

*France*: Cameroons, French Equatorial Africa, French Settlements in Oceania, French Somaliland, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland.

*Italy*: Trust Territory of Somaliland.

*Netherlands*: Netherlands Antilles, Surinam.

*United Kingdom*: Aden, Bahamas, Barbados, Bermuda, British Guiana, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Gibraltar, Gold Coast, Grenada, Leeward Islands, Federation of Malaya, Malta, Nigeria, Nyasaland, St. Helena, St. Vincent, Seychelles, Swaziland.

## 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: all non-metropolitan territories.

*Belgium*. Ratification: 4 February 1925.  
Decision reserved: Belgian Congo and Ruanda-Urundi.

*Denmark*. Ratification: 23 August 1938.  
Applicable without modification: Faroe Islands.  
Not applicable: Greenland.

*France*. Ratification: 25 January 1928.  
No declaration.

*Italy*. Ratification: 8 September 1924.  
No declaration.

*Japan*. Ratification: 23 November 1922.  
Not applicable: Pacific Islands (League of Nations mandate).

*Netherlands*. Ratification: 9 January 1948.  
No declaration.

*New Zealand*. Ratification: 29 March 1938.  
No declaration.

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*Australia.**Nauru.*

See under Convention No. 8.

*Belgium.*

*Belgian Congo and Ruanda-Urundi.*

The report states that there is no unemployment among indigenous seamen. To all intents and purposes there is only one shipowner who employs indigenous seamen, and according to the Government this reduces, to an even more considerable degree, the usefulness of setting up employment offices for such seamen. The Government therefore considers that it is not advisable to make the Convention applicable to this territory.

See also under Convention No. 2.

*France.**Algeria.*

See under Convention No. 8.

*French Equatorial Africa.*

There is no specialised private employment agency. The existing manpower offices are responsible for placing seafarers in employment, where necessary.

*French Guiana.*

See under Convention No. 8.

*Guadeloupe.*

See under Convention No. 8.

*Martinique.*

See under Convention No. 8.

*Morocco.*

Dahir of 6 July 1953 to amend the Merchant Shipping Code (L.S. 1953—Mor. (Fr.) 3).

Section 166*bis* of the above-mentioned Dahir provides that no fee shall be payable by a seaman for any placement operation for employment at sea.

*Réunion.*

See under Convention No. 8.

*Netherlands.**Surinam.*

The Government considers that the Convention should be applied fully to Surinam. Legislation does not yet appear necessary in view of

the small number of seamen that can be placed on board ships, but the public employment service permits of satisfactory co-operation with the shipping companies and the seamen's organisation.

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

*Australia*: New Guinea, Norfolk Island, Papua.

*Denmark*: Faroe Islands, Greenland.

*France*: Cameroons, French Settlements in Oceania, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland.

*Italy*: Trust Territory of Somaliland.

*Netherlands*: Netherlands Antilles.

*New Zealand*: Cook Islands and Niue, Western Samoa.

## 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 reserved: Belgian Congo and Ruanda-Urundi.

*France*. Ratification: 7 June 1951.  
Applicable without modification: French Guiana, Guadeloupe, Martinique, Réunion.  
No declaration: all other non-metropolitan territories.

*Italy*. Ratification: 8 September 1924.  
Applicable with modification: Trust Territory of Somaliland.

*Japan*. Ratification: 19 December 1923.  
Not applicable: Pacific Islands (League of Nations mandate).

*New Zealand*. Ratification: 8 July 1947.  
No declaration.

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*Belgium.**Belgian Congo and Ruanda-Urundi.*

The Government states in its report for the period 1953-54 that under present conditions it is not possible to apply the Convention in the Belgian Congo. The application of the Convention would presuppose the existence of inspection facilities which do not exist in fact and would necessitate compulsory school attendance, an arrangement that cannot be considered at present. The Government is consequently of the opinion that it is not advisable to make the Convention applicable to this territory.

*France.**Algeria.*

Act of 22 May 1946 to amend the Acts of 28 March 1882 and 11 August 1936.

The only children exempted from compulsory school attendance, as laid down in the Decree of 27 November 1944, are those who attend secondary educational establishments and technical and agricultural educational establishments, together with those who are pupils in workshop schools in which courses of general education are given; however, regular attend-

ance by these children is compulsory within the same age bracket and with the same regularity as for primary school children.

The Act states that leave of absence not exceeding eight weeks per year may be granted by the school inspector at the request of parents or guardians to children of at least 12 years of age who are employed in agricultural work; such leave of absence can only be granted to children attending school regularly and having attained a level of education defined by Ministerial Order.

*Cameroons.*

Order No. 982 of 27 February 1954 to determine the age for admission of children to employment and the types of work and categories of undertakings which are not open to them.

The employer is responsible for the medical examination of children by the doctor of the undertaking or, in the absence of such a doctor, by an authorised physician.

Whenever children are recruited, a nominal list of them must be drawn up and sent within eight days to the Inspector of Labour and Social Legislation.

The report lists the documents which the heads of undertakings are required to send to the Inspector of Labour and Social Legislation for inclusion in the file of every child employed by them.

*French Equatorial Africa.*

Children are protected, irrespective of the trade in which they are employed, by the regulation issued under the Act of 15 December 1952, which, according to the report, provides greater safeguards than the Convention.

*French Guiana.*

The report, which repeats the information supplied previously, states that the Convention is applied in the population centres where primary education is organised.

*French Settlements in Oceania.*

To allow for the development of family cultivation of coffee, school holidays have been arranged in such a way that children can take part in the picking without missing their classes.

*French West Africa.*

A local order came into force in each territory during 1955 under section 118 of the Act of 15 December 1952. These local regulations, which apply to establishments of every kind list the types of work that endanger young persons' morals or exceed their strength and on which they may not be employed: for example they fix the maximum weight of the loads young persons may carry, drag or push. These regulations determine the types of establishments in which the employment of young persons under the age of 18 years is only permissible subject to certain conditions. Certain work that is prohibited or is the subject of conditional authorisations is carried out in agricultural undertakings.

Persons who infringe these regulations are liable to the penalties laid down in sections 222, 225 and 226 of the Act of 15 December 1952 for infringements of the Act; persons who infringe the other provisions of the regulations are liable to fines of between 500 and 1,200 francs. In case of a further offence committed within 12 months of a first conviction imprisonment for from one to ten days may be added to the fine.

*French Somaliland.*

Order No. 786 of 17 June 1955, issued under section 118 of Act No. 52-1322 of 15 December 1952.

*Guadeloupe.*

In view of the lack of space in small schools a relatively large number of children of school age are employed in agricultural work during the hours fixed for attendance at school. The school holiday period is the same as in metropolitan France.

*Martinique.*

The legislation is the same as in metropolitan France. 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 the sugar-cane plants. This is light work which brings in a small wage to supplement that of the father and mother.

*Réunion (First Report).*

Decree of 22 May 1916 to promulgate the Réunion Labour Code.

Decree of 31 October 1938 to apply certain provisions of Book I of the Labour Code to the Old Colonies.

Decree of 2 March 1939 to extend to the Old Colonies certain provisions of Book II of the Labour Code.

Decree No. 48-592 of 30 March 1948 to extend the Labour Code to the four Overseas Departments.

The report states that the Department of Education in Réunion is making a considerable effort to accommodate all school-age children. However, in spite of the large-scale construction effort now under way, it is still not possible to meet all school needs owing to the rapid increase of the population. In 1955 there was room for only 75 per cent. of the children in existing schools. Classes are far too large and in some instances number 100 pupils; it has frequently been found necessary to resort to part-time classes. The report adds that in these circumstances the Labour Inspectorate is compelled to show a certain tolerance.

The report also states that vocational schools are subject to close supervision. In general, the Labour Inspectorate concentrates its normal activities in localities with adequate school facilities.

It is finally stated that a minimum age (12 years) has been fixed since 1916 at which time there were no law enforcement difficulties since existing schools were able to accommodate all children of school age. Within three years it will be possible to require strict compliance with the rules prohibiting the employment of children under 14 years of age.

*New Zealand.**Cook Islands.*

School attendance is compulsory for all children between six and 14 years of age, but, in practice, children are permitted to enter school at five years of age and to remain until the end of the year they reach the age of 15.

*Western Samoa.*

It is expected that a proposed labour ordinance will include provisions concerning minimum ages for entry into different types of employment.

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

*France:* Madagascar, Morocco, New Caledonia, St. Pierre and Miquelon, Togoland.

*Italy:* Trust Territory of Somaliland.

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

*This Convention came into force on 11 May 1923*

*Belgium.* Ratification: 19 July 1926.  
Applicable without modification: Belgian Congo and Ruanda-Urundi.

*Denmark.* Ratification: 20 June 1930.  
Applicable without modification: Greenland.  
No declaration: Faroe Islands.

*France.* Ratification: 23 March 1929.  
No declaration.

*Italy.* Ratification: 8 September 1924.  
No declaration.

*Netherlands.* Ratification: 20 August 1926.  
Applicable without modification: Netherlands Antilles.  
No declaration: all other non-metropolitan territories.

*New Zealand.* Ratification: 29 March 1938.  
Applicable without modification: Cook Islands.  
No declaration: Tokelau Islands, Western Samoa.

*United Kingdom.* Ratification: 6 August 1923.  
Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands and Isle of Man.  
No declaration: all other non-metropolitan territories.

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

*Belgium.*

*Belgian Congo and Ruanda-Urundi.*

Action to withdraw the reservations made when this Convention was ratified by Belgium (Act of 29 June 1926) is now in hand.

*France.*

*Madagascar.*

There are 13 employers' organisations with a membership of 1,834. Workers' organisations number 23, with 15,526 members.

*Morocco.*

Agricultural workers enjoy the same rights as industrial workers. The Dahir of 24 December 1936 cited in a previous report authorises the setting up of employers' or workers' organisations exclusively for the purpose of carrying out research connected with the economic, industrial, commercial and agricultural interests of their members, and of defending those interests.

Employers' and workers' organisations may be set up only among Europeans who have practised the same profession or similar trades, or have been engaged in allied occupations for the production of particular items, over a period of at least one year within the French zone of Morocco.

See also under Convention No. 87.

*Réunion.*

There are hardly any trade unions of agricultural workers, and this fact delays the preparation of regulations with regard to work in agriculture.

The Labour Inspectorate is responsible for supervising the labour laws in agriculture.

*Togoland.*

The only agricultural trade union is that of the indigenous staff of the Agricultural Department.

*Netherlands.*

*Netherlands New Guinea.*

Regulation on the administration of New Guinea, Chapter I, section 10.

The above-mentioned regulation explicitly recognises the right of association and combination, which can only be restricted by ordinance in the interest of public order, morality or health.

*Surinam.*

The right of association is laid down by the Constitution of Surinam. No distinction is made between workers in industry and in agriculture.

*New Zealand.*

*Western Samoa.*

It is anticipated that the provisions of this Convention will be taken into account in a proposed labour ordinance.

*United Kingdom.*

*Brunei.*

A Bill respecting trade unions and trade disputes is about to be considered by the State Council.

*Cyprus.*

The number of organised agricultural workers is steadily increasing. At the end of 1954 there were six registered trade unions with a total paid up membership of 2,835.

*Guernsey (First Report).*

There is no special legislation on this question, since the law and practice with regard to the right of association does not distinguish between agricultural workers and those employed in other occupations.

*Hong Kong.*

The membership of the agricultural workers' trade union has fallen from 116 to 107.

*Jersey (First Report).*

See under *Guernsey*.

*Leeward Islands.*

In Antigua, on 30 June 1955, the only workers' organisation registered under the law had a paid-up membership of 11,362, the majority of whom were agricultural workers.

*Federation of Malaya.*

Trade Unions (Amendment) Ordinance No. 4 of 1955.

The amendment to the Malayan trade union legislation contains provisions prescribing the conditions under which a political fund may be created by a union and the circumstances in which a trade union may transfer engagements to another union. The report draws attention to the fact that the responsibility for assisting trade unions in drafting rules and in the preparation of accounts is not, as mentioned in the report for the previous year, that of the Registrar, but in fact that of the Trade Union Adviser's Department.

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

*Denmark*: Faroe Islands, Greenland.

*France*: Algeria, Cameroons, French Equatorial Africa, French Guiana, French Settlements in Oceania, French Somaliland, French West Africa, Guadeloupe, Martinique, New Caledonia, St. Pierre and Miquelon.

*Italy*: Trust Territory of Somaliland.

*Netherlands*: Netherlands Antilles.

*New Zealand*: Cook Islands and Niue.

*United Kingdom*: Aden, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, Dominica, Gibraltar, Gold Coast, Grenada, Malta, Nigeria, North Borneo, Nyasaland, St. Helena, St. Vincent, Sarawak, Seychelles, Southern Rhodesia, Swaziland.

## 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: Greenland.  
No declaration: Faroe Islands.

*France*. Ratification: 4 April 1928.  
No declaration.

*Italy*. Ratification: 1 September 1930.  
Not applicable: Trust Territory of Somaliland.

*Netherlands*. Ratification: 20 August 1926.  
Applicable without modification: Netherlands Antilles.  
No declaration: all other non-metropolitan territories.

*New Zealand*. Ratification: 29 March 1938.  
No declaration.

*United Kingdom*. Ratification: 6 August 1923.  
Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands and Isle of Man.  
No declaration: all other 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 Bill on employment injury insurance mentioned in the report for 1953-54 has not yet become law.

*France.**Algeria.*

Act No. 54-892 of 2 September 1954 to provide for the revalorisation of allowances payable under the legislation on industrial accidents and occupational diseases.

*Comoro Islands* (First Report).

See under Convention No. 17.

*French Guiana.*

The social security scheme applies to all branches of activity, including agriculture.

*French Settlements in Oceania.*

Order No. 1746/IT of 2 November 1954 to make it compulsory to notify industrial accidents.

The number of agricultural workers was 229.

*French West Africa.*

The French legislature is examining Bills to extend to agricultural workers the coverage of laws and regulations which benefit other workers who meet with occupational accidents.

*Réunion.*

In 1955 the number of agricultural workers registered with the social security scheme was about 26,000.

*Netherlands.**Surinam.*

The report states that the circumstances are such that it is not yet possible for the agricultural undertakings to be responsible for the insurance of workers, especially as a great many small establishments would be concerned. The number of accidents in agriculture is small and as a rule workers continue to receive their wages and medical treatment in case of accidents.

*New Zealand.**Western Samoa.*

The Select Committee of the Legislative Assembly is considering recommendations made



by a New Zealand Labour Department expert respecting workers' compensation. Statistics are at present insufficient to make the introduction of any comprehensive scheme feasible.

### *United Kingdom.*

#### *British Guiana.*

Workmen's Compensation Regulations No. 9 of 1955.

The above-mentioned regulations apply to all workers, including agricultural workers. These regulations (as well as sections 33 to 40 of Ordinance No. 63 of 1952 which came into force on 1 June 1955) set out the procedure, manner and form for making application for compensation. Any such application is required to be in writing and in the prescribed form and to be lodged with the Clerk of the Magistrate's Court.

It is estimated that 25,000 agricultural workers are covered. In the period under review 7,814 accidents (four fatal) involving incapacity for three days and over were notified to the Department of Labour. The Workmen's Compensation Ordinance, 1952, has given effect to previous representations made, *inter alia*, for the payment of compensation at a higher rate and for periodical payments during periods of incapacity, to be made at regular intervals corresponding with normal intervals of pay.

See also under Convention No. 17.

#### *British Honduras.*

During the calendar year 1954 there were 60 reported accidents in agricultural undertakings; one of these was fatal, the others causing only temporary incapacity. An amount of \$702 was paid in compensation.

#### *Cyprus.*

During the year 1954 only one non-fatal accident in agriculture was reported.

#### *Gold Coast.*

Workmen's Compensation (Amendment) Ordinance, 1954.

Limited effect to the application of the Convention is given by section 2 (1) of the Workmen's Compensation Ordinance, 1940, as amended by section 2 (c) of the Workmen's Compensation (Amendment) Ordinance, 1954. The provisions of this ordinance are not applicable to peasant holdings.

#### *Guernsey (First Report).*

See under Convention No. 17 for legislation providing benefits in respect of injury or death from accidents, which legislation does not

distinguish between agricultural and other workers.

#### *Jersey (First Report).*

See under *Guernsey*.

#### *Leeward Islands.*

During the year under review the number of agricultural workers covered by legislation was estimated to be 3,400 in Antigua, 6,647 in St. Kitts and 2,600 in Montserrat. In St. Kitts 145 accidents occurred in agriculture, one of which was fatal. Compensation paid by 15 estates in 1954 amounted to \$2,217.

See also under Convention No. 17.

#### *Federation of Malaya.*

During the period under review the collection of separate statistics for accidents in agriculture was begun. The number of persons employed in agriculture is estimated at some 300,000; during the first six months of 1955, 1,830 accidents to agricultural workers were notified.

See also under Convention No. 17.

#### *Malta.*

Relevant and detailed statistics and extracts from the report of the Department of Labour for 1954 are appended to the report.

#### *Nigeria.*

During the period under review 632 cases were dealt with by government departments.

#### *North Borneo.*

The number of agricultural workers employed on any estates or plantations on which not less than 20 persons are employed on any one day in the year was 10,102 at the end of 1954. Accidents reported in 1954 numbered 44 (one fatal) and a total amount of \$20,099 was paid in compensation.

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

*Denmark*: Faroe Islands.

*France*: Cameroons, French Equatorial Africa, French Somaliland, Guadeloupe, Madagascar, Martinique, Morocco, New Caledonia, St. Pierre and Miquelon, Togoland.

*Italy*: Trust Territory of Somaliland.

*Netherlands*: Netherlands Antilles.

*New Zealand*: Cook Islands and Niue.

*United Kingdom*: Aden, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Somaliland, Brunei, Dominica, Gibraltar, Grenada, Hong Kong, Nyasaland, St. Helena, St. Vincent, Sarawak, Seychelles, Southern Rhodesia, Swaziland.

## 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 reserved: Belgian Congo and Ruanda-Urundi.

*France.* Ratification: 19 February 1926.  
Applicable without modification: Algeria, Cameroons, Comoro Islands, 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.

*Netherlands.* Ratification: 15 December 1939.  
No declaration.

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*Belgium.*

*Belgian Congo and Ruanda-Urundi.*

An ordinance will shortly be issued to carry into effect the Decree of 21 March 1950 to regulate the use of white lead. The existing legislation provides compensation for poisoning attributable to lead and its derivatives under the heading of an occupational disease.

The Convention will be made applicable to the Belgian Congo and Ruanda-Urundi in the near future.

*France.*

*Comoro Islands (First Report).*

Order No. 55-118/IT of 17 June 1955 to apply to the territory the provisions of Order No. 2187 of 5 November 1954 (Madagascar) respecting health and safety measures for the protection of workers.

For the provisions of the above order see under *Madagascar*.

*French Somaliland.*

Order No. 1635 of 13 December 1955 to prohibit the use of white lead, lead sulphate, linseed oil containing lead and any specialised products containing white lead and lead sulphate in painting work of any description either inside or outside buildings.

*French West Africa.*

Following the observations made by the Committee of Experts in 1955 the Government states that health and safety regulations were due to be submitted to the Advisory Technical Committee during the second half of 1955.

*Guadeloupe.*

One case of lead poisoning has been notified.

*Madagascar.*

Order No. 2187 of 5 November 1954 respecting health and safety measures for the protection of workers.

Section 15 of this order forbids the use of white lead, lead sulphate and all products containing these pigments for painting work of any description in the building trade. For other types of painting these products may only be handled in either paste or liquid form ready for

use. Sandpapering and dry scraping are prohibited in all cases where these products are used. Section 19 lays down measures to be taken in the spraying of paint or varnish containing poisonous compounds.

*Morocco.*

Order of the Vizier of 23 February 1953 to amend the Order of the Vizier of 21 January 1927 respecting dangerous work on which the employment of women and children is prohibited.

The above-mentioned order prohibits the employment of women and of children under the age of 16 years on, *inter alia*, painting with white lead, lead sulphate and products containing these pigments.

*Réunion.*

The report refers to a Decree of 23 August 1947 concerning spray painting.

*St. Pierre and Miquelon.*

Order No. 375 of 25 July 1955 to prohibit the use of white lead, lead sulphate, linseed oil containing lead and any specialised product containing white lead and lead sulphate in painting work of any description either inside or outside buildings.

The report states that the use of white lead and lead sulphate has steadily decreased in the territory.

*Togoland.*

Order No. 889-55/ITLS of 28 October 1955 to prohibit the use of white lead, lead sulphate, linseed oil containing lead and any specialised product containing white lead and lead sulphate in painting work of any description either inside or outside buildings.

*Netherlands.*

*Netherlands New Guinea.*

Netherlands East Indies Statute Book, 1931, No. 509.

The above-mentioned text, regulating the manufacture, importation and use of dry white lead is in force in Netherlands New Guinea. Except for scientific and medical purposes, the manufacture, importation or storage of dry white lead is prohibited.

*Surinam.*

White lead is made use of to a very limited degree. The Safety Decree contains regulations as to its use, which are enforced by the inspection service.

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

*France:* Algeria, Cameroons, French Equatorial Africa, French Guiana, French Settlements in Oceania, Martinique, New Caledonia.

*Italy:* Trust Territory of Somaliland.

*Netherlands:* Netherlands Antilles.

## 14. Weekly Rest (Industry) Convention, 1921

*This Convention came into force on 19 June 1923*

*Belgium.* Ratification: 19 July 1926.

Applicable without modification: Belgian Congo and Ruanda-Urundi.

*Denmark.* Ratification: 30 August 1935.

Applicable without modification: Faroe Islands and 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: Algeria, French Guiana, Guadeloupe, Martinique, Morocco, Réunion, Tunisia.

*Italy.* Ratification: 8 September 1924.

No declaration.

*New Zealand.* Ratification: 29 March 1938.

Applicable without modification: Cook Islands, Western Samoa.

No declaration: Tokelau Islands.

*Portugal.* Ratification: 3 July 1928.

Decision reserved: all non-metropolitan territories.

*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 reserved: Aden, Barbados, Bermuda, North Borneo, Brunei, Cyprus, Fiji, Gibraltar, Gilbert and Ellice Islands, Gold Coast, British Guiana, British Honduras, Hong Kong, Jamaica, Federation of Malaya, Nigeria, Northern Rhodesia, Nyasaland, Seychelles, Sierra Leone, Singapore, Tanganyika, Trinidad and Tobago, Zanzibar.

No declaration: British Somaliland.

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

### *Belgium.*

*Belgian Congo and Ruanda-Urundi.*

Action to withdraw the reservations made when the Convention was ratified by Belgium (Act of 28 June 1926) is in hand.

### *Denmark.*

*Faroe Islands.*

Order No. 441 respecting public peace on the holidays of the National Church.

The order provides for the prohibition on Sundays and the other holidays of the National Church of all work in or outside the house which by the noise it creates or the way in which it is carried out disturbs the peace of the holiday. Exceptions are made in the case of loading, discharge and repair of vessels which are in a port of distress or at anchor in open berth, and in the case of urgent work carried out with a view to averting any imminent danger to person or property, as well as certain transport work.

The supervision of the observation of the order is entrusted to the police.

### *Greenland.*

The Government reaffirms the fact that there are no rules on this question for workers engaged in private undertakings. However,

the existing provisions are observed in practice by the few private employers. In these circumstances the Government does not think it necessary to take any special measures to secure the application of the Convention, but it is prepared to reconsider the situation if any change takes place in the present conditions.

*Articles 3 and 4 of the Convention.* There are no provisions to this effect. State employees may nevertheless be called upon occasionally to do work on the weekly day of rest. This is owing to the special conditions which prevail in Greenland, where for reasons dictated by shipping requirements some vessels have to be loaded and unloaded immediately.

*Article 7.* It is the rule that workers are not to be employed on Sundays and public holidays.

### *France.*

#### *Algeria.*

During the year 1954, 1,417 contraventions were noted, proceedings being instituted in 247 cases. There is an increasingly large number of infringements of the regulations on weekly rest in both small and large undertakings. The activities of the inspection service in this regard are rendered more difficult by the fact that wage earners often work of their own accord on rest days in order to increase their wages.

#### *Cameroons.*

Order No. 6752 of 31 December 1952 to apply 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.

Order No. 6450 of 3 December 1954 to lay down the methods of application of the weekly rest.

Order No. 6450 of 3 December 1954 replaces Order No. 2722 of 28 May 1953, and contains new provisions relating to the application of the Convention.

*Article 1 of the Convention.* Weekly rest provisions do not apply to railway workers or to workers engaged in air or waterways transport undertakings, who are subject to special regulations.

*Articles 4 and 5.* The order prescribes that in urgent and unforeseen exceptional cases the weekly rest provisions may be suspended without compensatory rest being granted to the workers involved, except those habitually performing maintenance and repair work. The order also permits suspension of the weekly rest provisions without compensatory rest, to a maximum of two suspensions a month and six a year, in industries handling perishable goods or subject to periodical additional workload, the work performed on the weekly rest day being considered as overtime work and subject to the regulations governing the hours of work. The competent Inspector of Labour

and Social Legislation must be advised immediately of any suspensions.

The order also provides that work in loading and unloading goods at ports, wharves and terminals is permitted on the rest day in the same cases and under the same conditions as overtime is permitted in such work under the relevant regulations governing hours of work. The order prescribes other types of work which may be performed on the weekly rest day, and also the compensatory rest which must be granted.

*Article 7.* The order provides for the posting of notices stating the days and hours of collective rest given to the whole or part of the staff on a day other than Sunday, and, where the rest is not given collectively to the whole of the staff, for the keeping of registers of the weekly rest granted to each worker. Copies of notices are sent to the competent Inspector of Labour and Social Legislation.

#### *Comoro Islands (First Report).*

Act No. 52-1322 of 15 December 1952 to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

Order No. 54-87/C of 12 May 1954 to lay down the methods of application of the weekly rest.

Section 120 of the Act of 15 December 1952 lays down the principle of the compulsory day of weekly rest.

*Article 1 of the Convention.* Section 1 of the order applies, *inter alia*, to all industrial undertakings, public or private, with the exception of transport undertakings, which are subject to special provisions.

*Article 2.* Legislation provides for a minimum weekly rest of 24 consecutive hours, to be granted preferably on a Sunday.

*Article 4.* The order provides specifically for two types of exceptions, the first relating to several types of undertakings where operations cannot be interrupted or which deal with perishable materials or which, for other reasons, must operate on Sundays and in which weekly rest is granted by rotation. The second type of exception deals with cases of urgent work or exceptional pressure of work, in which cases no compensatory period of rest is granted.

*Article 7.* Where the day of rest is granted collectively to the whole staff, notices to be posted up should indicate the days and hours of rest; when the rest period is not granted collectively a special register must indicate the system applicable to the workers covered by the exception.

The supervision of the application of the relevant provisions is entrusted to the Inspector of Labour and Social Legislation. The report states that, although the prescribed measures of control are not yet fully observed everywhere, the principle of weekly rest is recognised and respected at least with regard to production workers. Supervisory and technical personnel often work on Sundays and are paid rates increased by 40 per cent.

#### *French Equatorial Africa.*

Order No. 2223 of 24 October 1953.

Order No. 836 of 22 November 1953.

Order No. 2537 of 31 December 1953.

Order No. 631 of 3 December 1954.

These orders provide rules for the application of the weekly rest provisions in Middle Congo, Ubangi Shari, Chad and Gaboon.

*Article 3 of the Convention.* There are no provisions for the exceptions permissible under this Article.

*Articles 4 and 5.* Exceptions are permitted in respect of urgent work in connection with accidents to equipment and buildings, handling of perishable goods (twice a month and six times a year at the most), and in loading and unloading goods at ports, aerodromes and wharves. Compensatory weekly rest is granted in these cases.

*Article 6.* A list of the types of undertakings which may grant the weekly rest by rotation is supplied; these exceptions were authorised after consultation with the Labour Advisory Committee.

*Article 7.* The posting of notices is prescribed in the provisions but no particular form of notice is obligatory.

During the period under review 72 contraventions to the above regulations were reported.

#### *French Guiana.*

The regulations are not fully and satisfactorily applied in some branches of commerce, and the labour inspection service has to intervene rather frequently.

#### *French Settlements in Oceania.*

Order No. 836/IT of 20 June 1955 to lay down the methods of application of weekly rest.

*Articles 4, 5 and 6 of the Convention.* The Order of 20 June 1955 specifies the types of industrial establishments which may, without special permit, grant their workers the weekly rest by rotation; it also indicates alternative systems of weekly rest which may, under special permit, be applied when the weekly rest cannot be given simultaneously to all the staff. It also prescribes that in urgent and unforeseen exceptional cases the weekly rest provisions may be suspended without compensatory rest, except as regards workers habitually performing maintenance and repair work. The weekly rest may also be suspended without compensatory rest, to a maximum of twice a month and six times a year, in industries handling perishable goods or subject to periodical additional workload, the work performed on the weekly rest day being considered as overtime work and subject to the regulations governing hours of work. The competent Inspector of Labour and Social Legislation must be advised immediately of any suspensions. Work in loading and unloading goods at ports, wharves and terminals is permitted on the rest day in the same cases and under the same conditions as overtime work. Other types of work which may be performed on the weekly

rest day and the compensatory rest which must be granted are prescribed in the order.

The new order was submitted for advice to the Advisory Labour Committee, on which responsible employers' and workers' associations are represented; consultation with these organisations is required in the case of each exemption.

*Article 7.* In addition to the requirements under the Order of 9 July 1954, the new order provides that registers or notices must indicate the day of weekly rest when it does not fall on a Sunday.

#### *French West Africa.*

The Government states that the new regulations respecting weekly rest are satisfactorily applied throughout the Federation.

#### *Guadeloupe.*

In Guadeloupe between 9,000 and 10,000 workers are covered by the Convention: sugar factories and distilleries employ about 4,500 of these; building and public workers employ 2,000 to 3,000, and docks from 1,200 to 1,500.

#### *Martinique.*

An order was issued to provide for the compulsory closing of bakeries on Sundays throughout the territory.

#### *Morocco.*

During the period covered by the report 858 infringements were discovered and 101 were reported to the law-enforcement authorities.

#### *Réunion.*

In a very few cases, in order to ensure that shops for the sale of merchandise may remain open permanently, rest is given in rotation (retail trade). Many of the Chinese and Pakistan commercial workers are given half a day's rest during the week and half a day on Sunday.

#### *New Zealand.*

#### *Cook Islands and Niue.*

In response to the observations made by the Committee of Experts last year the Government states that the conditions in respect of working days are fixed in the Cook Islands by the following industrial agreements: agreement between the Cook Islands Administration as employer, and the Cook Islands Industrial

Union signed on 18 March 1952 (paragraphs 3 and 4); agreement between the various trading firms and the said union signed on 24 January 1952 (paragraph 2); agreement between the manufacturing firms of United Island Traders Limited and the Watson Manufacturing Co. Ltd., signed on 24 January 1952 (paragraphs 2 and 3).

Sunday (or Saturday in the case of Seventh Day Adventists) continues to be strictly adhered to as a universal day of rest.

#### *Western Samoa.*

Regulations of 1953 respecting public services in Western Samoa.

Ordinance of 1931 respecting the closing of shops.

In reply to the observations made by the Committee of Experts in 1955 the Government states that the situation of government employees with regard to the provisions of the Convention is governed by Regulation 7 of the Regulations respecting public services in Western Samoa which provides that, unless the Commissioner decides otherwise, hours of work for office employees are 8 a.m. to 12 noon and 1 p.m. to 4 p.m. from Monday to Friday inclusive. Overtime on Sundays and public holidays is only authorised if it is necessary for maintaining the public services.

In commerce, the question with which the Convention deals is governed by the Ordinance of 1931 respecting the closing of shops, section 3 (1) 9 (a), which provides that shops may not be opened on Sundays and public holidays. Exceptions are authorised for essential services, i.e. garages, restaurants, or the sale of perishable foodstuffs.

Plantations and other establishments, although not explicitly covered by the above-mentioned provisions, conform to them in practice.

#### *Portugal.*

#### *Angola.*

Seventy-four contraventions of the provisions regarding weekly rest were reported.

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

*France:* French Somaliland, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland.

*Italy:* Trust Territory of Somaliland.

*Portugal:* Cape Verde, Portuguese Indies, S. Tomé and Príncipe.

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

*This Convention came into force on 20 November 1922*

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*Australia.* Ratification: 28 June 1935.

Not applicable: all non-metropolitan territories.

*Belgium.* Ratification: 19 July 1926.

Decision reserved: Belgian Congo and Ruanda-Urundi.

*Denmark.* Ratification: 12 May 1924.

Applicable without modification: Faroe Islands and Greenland.

*France.* Ratification: 16 January 1928.

No declaration.

*Italy.* Ratification: 8 September 1924.

Applicable with modification: Trust Territory of Somaliland.

*Japan.* Ratification: 4 December 1930.

Not applicable: Pacific Islands (League of Nations mandate).

*Netherlands.* Ratification: 17 June 1931.

No declaration.

*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, Federation of Malaya, Nyasaland, Solomon Islands.

Not applicable<sup>2</sup>: Basutoland, Bechuanaland, Northern Rhodesia, Southern Rhodesia, Swaziland.<sup>1</sup>

Decision reserved: Bahamas, Barbados, Brunei, Falkland Islands, Gilbert and Ellice Islands, British Honduras, Leeward Islands.<sup>2</sup>

No declaration: British Somaliland.

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<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.*

*Nauru.*

See under Convention No. 8.

*Belgium.*

*Belgian Congo and Ruanda-Urundi.*

See under Convention No. 7.

*France.*

*Algeria.*

See under Convention No. 8.

*French Equatorial Africa.*

Local regulations strictly forbid the recruitment of youths under the age of 18 years to work as trimmers or stokers on board ship. The enforcement of the regulations is the responsibility of the Inspector of Labour and Social Legislation and the police.

*French Guiana.*

See under Convention No. 8.

*French Somaliland.*

Order No. 786 of 17 June 1955, issued under section 118 of Act No. 52-1322 of 15 December 1952.

The order prohibits the employment of children as trimmers and stokers on board ships.

The enforcement of the regulations is entrusted to the Inspectorate of Navigation and the Inspectorate of Labour and Social Legislation.

*Guadeloupe.*

See under Convention No. 8.

*Martinique.*

See under Convention No. 8.

*Réunion.*

See under Convention No. 8.

*Netherlands.*

*Netherlands New Guinea.*

See under Convention No. 16.

*Surinam.*

The Bill respecting the employment of children and young persons which is before the legislature includes provisions with regard to the medical examination of young persons under 16 years of age, in accordance with the provisions of the Convention. The only existing Surinam shipping company does not employ persons under 18 years on its coasting vessels.

*United Kingdom.*

*Basutoland.*

See under Convention No. 7.

*Bechuanaland.*

See under Convention No. 7.

*Brunei.*

For legislation see under Convention No. 7.

The legislation provides that no young person shall be employed on work as a trimmer or stoker in any ship unless prior written approval for such employment—in accordance with Articles 3 and 4 of the Convention—has been given by the Controller of Labour. There is no approved form of register. The State Maritime Officer in Brunei is aware of the provisions of the Brunei law, and would report to the Controller of Labour any case in which an attempt was made to sign on by any young person.

*Guernsey (First Report).*

See under Convention No. 8.

*Jersey* (First Report).

See under Convention No. 8.

*North Borneo*.

See under Convention No. 7.

*Southern Rhodesia*.

See under Convention No. 7.

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

*Australia*: New Guinea, Norfolk Island, Papua.

*Denmark*: Faroe Islands, Greenland.

*France*: Cameroons, French Settlements in Oceania, French West Africa, Madagascar, Morocco, New Caledonia, St. Pierre and Miquelon, Togoland.

*Italy*: Trust Territory of Somaliland.

*Netherlands*: Netherlands Antilles.

*United Kingdom*: Aden, Bahamas, Barbados, Bermuda, British Guiana, British Honduras, British Somaliland, Cyprus, Dominica, Gibraltar, Gold Coast, Grenada, Hong Kong, Leeward Islands, Federation of Malaya, Malta, Nigeria, Nyasaland, St. Helena, St. Vincent, Sarawak, Seychelles, Swaziland.

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

*This Convention came into force on 20 November 1922*

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*Australia*. Ratification: 28 June 1935.

Not applicable: all non-metropolitan territories.

*Belgium*. Ratification: 19 July 1926.

Decision reserved: Belgian Congo and Ruanda-Urundi.

*Denmark*. Ratification: 23 April 1938.

Applicable without modification: Faroe Islands and Greenland.

*France*. Ratification: 22 March 1928.

No declaration.

*Italy*. Ratification: 8 September 1924.

Applicable without modification: Trust Territory of Somaliland.

*Japan*. Ratification: 7 June 1924.

Not applicable: Pacific Islands (League of Nations mandate).

*Netherlands*. Ratification: 9 March 1928.

No declaration.

*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, Federation of 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: British Somaliland.

The Government states that there are no rules respecting the medical examination of seamen; however, the extension to Greenland has been considered of the application of the provisions of the Danish Seamen's Act on compulsory medical examination of all seafarers prior to their signing on; this extension may be done by Royal Order.

The report adds that the introduction of these rules at the present time, however, is likely to entail considerable administrative difficulties; besides, in view of the fact that Danish vessels engaged in the trade between Greenland and the outside world are not registered in Greenland but in the other parts of the Kingdom, thus being subject to the provisions of the Seamen's Act, the question seems to be of minor importance. Moreover, these ships are responsible for the greater part of the trade in Greenland; only a few vessels of small tonnage are engaged in the coasting trade.

*France*.

*Algeria*.

See under Convention No. 8.

*French Equatorial Africa*.

The regulations allow labour inspectors to require any young worker to be medically examined (free of charge) to ascertain whether or not he is employed on work beyond his strength. There is no special provision making it compulsory for children and youths employed on board ship to have a medical examination first.

For the enforcement of the regulations see under Convention No. 15.

*French Guiana*.

See under Convention No. 8.

*Guadeloupe*.

See under Convention No. 8.

*Martinique*.

See under Convention No. 8.

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

<sup>2</sup> See footnote 2 to Convention No. 15.

*Australia*.

*Nauru*.

See under Convention No. 8.

*Belgium*.

*Belgian Congo and Ruanda-Urundi*.

See under Convention No. 7.

*Denmark*.

*Greenland*.

*Réunion.*

See under Convention No. 8.

*Netherlands.**Netherlands New Guinea.*

Netherlands East Indies Statute Book, 1926 (No. 87).

Under the above-mentioned legislation a child under the age of 12 years is not allowed to work on board a ship unless he works under the charge of the father or a blood relation up to the third degree inclusive. A young person under the age of 16 years is not allowed to work on board a ship as stoker or trimmer, except in the following cases: (a) if the ship is a training ship, as such being under the supervision of the Government; (b) if the main means of propelling the ship is not by steam.

Without prejudice to the above provisions, no child or young person under the age of 16 years is allowed to work on board a ship, unless the captain is in possession of: (a) a written certificate, issued by a qualified physician, showing on which date the child or young person was found suitable for the kind of work to be performed by him, the certificate being only valid for the duration of one year counting from the said date to the end of the voyage which had already begun when the period expired; (b) a crew list or list of the workers employed, stating the surname, Christian names and date of birth of the child or young person.

The report adds that although these provisions are formally operative, they have become obsolete through the requirements of practice. On board ships navigating in the waters around Netherlands New Guinea, work is only performed by persons over the age of 16 years. No steamships are to be found among the ships that regularly navigate these waters.

*Surinam.*

See under Convention No. 15.

*United Kingdom.**Barbados.*

Existing legislation and administrative arrangements ensure that the provisions of the Convention are applied both in cases where vessels registered in the metropolitan country recruit part of their crews in the territory and where vessels are registered in the territory itself. In the former case the relevant provisions are contained in the Imperial Merchant Shipping Act, 1894, and the United Kingdom Merchant Shipping (International Labour Conventions) Act, 1925; in the latter case they are contained in the Merchant Shipping (International Labour Conventions) (Barbados) Order, 1951.

*Basutoland.*

See under Convention No. 7.

*Bechuanaland.*

See under Convention No. 7.

*Bermuda.*

The employment on a ship of any young person under the age of 18 years is prohibited

unless a duly qualified medical practitioner has certified that the young person is fit to be so employed.

See also under Convention No. 7, first paragraph.

*British Honduras.*

In reply to the request made by the Committee of Experts in 1955 the Government states that no regulation exists and that the Convention is not applied.

*British Somaliland.*

See under Convention No. 7.

*Brunei.*

For legislation see under Convention No. 7.

It is provided that the employment of any child or young person on a ship shall be conditional on the production of a medical certificate attesting fitness for such work signed by a duly registered medical practitioner. The continued employment at sea of any such child or young person shall be subject to the repetition of such medical examination at intervals of not more than one year, and the production, for each such examination, of a further medical certificate attesting fitness for such work. Should a medical certificate expire in the course of a voyage, it shall remain in force until the end of the said voyage.

*Cyprus.*

See under Convention No. 7.

*Guernsey (First Report).*

See under Convention No. 8.

*Jersey (First Report).*

See under Convention No. 8.

*North Borneo.*

See under Convention No. 7.

*St. Helena.*

See under Convention No. 7.

*St. Vincent.*

See under Convention No. 7.

*Seychelles.*

In reply to the Committee of Experts' request for fuller information on the application of this Convention, the report states that all vessels trading with the mainland, adjoining and outlying islands are registered. Shipmasters are required to keep a separate register of young persons employed or apprenticed to facilitate the enforcement of the provisions of the Convention. Foreign vessels recruiting crew have to do so through the port authorities who are thus able to enforce the provisions of the Convention.

*Southern Rhodesia.*

See under Convention No. 7.

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



*Australia*: New Guinea, Norfolk Island, Papua.

*Denmark*: Faroe Islands.

*France*: Cameroons, French Settlements in Oceania, French Somaliland, French West Africa, Madagascar, Morocco, New Caledonia, St. Pierre and Miquelon, Togoland.

*Italy*: Trust Territory of Somaliland.

*Netherlands*: Netherlands Antilles.

*United Kingdom*: Aden, Bahamas, British Guiana, Dominica, Gibraltar, Gold Coast, Grenada, Hong Kong, Leeward Islands, Federation of Malaya, Malta, Nigeria, Nyasaland, Sarawak, Swaziland.

## 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.  
Applicable without modification: French Guiana, Guadeloupe, Martinique, Réunion.  
No declaration: all other non-metropolitan territories.

*Italy*.<sup>1</sup>  
Applicable without modification: Trust Territory of Somaliland.

*Netherlands*. Ratification: 13 September 1927.  
No declaration.

*New Zealand*. Ratification: 29 March 1938.  
No declaration.

*Portugal*. Ratification: 27 March 1929.  
Decision reserved: all non-metropolitan territories.

*United Kingdom*. Ratification: 28 June 1949.  
Applicable *ipso jure* without modification<sup>2</sup>: Channel Islands and Isle of Man.

Applicable without modification<sup>2</sup>: Kenya, Federation of Malaya, Mauritius, Northern Rhodesia, Tanganyika.

Decision reserved<sup>3</sup>: Bermuda, Brunei, Gibraltar, Gilbert and Ellice Islands, Hong Kong, Sarawak, Seychelles, Solomon Islands, Zanzibar.

No declaration: British Somaliland.

Applicable with modification<sup>3</sup>: all other non-metropolitan territories.

<sup>1</sup> Unratified Convention. Italy forwarded a declaration accepting, in the name of the 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.*

Decree of 28 December 1954 respecting compensation for industrial accidents suffered by non-indigenous persons.

Decree of 30 June 1954 to amend the Decree of 1 August 1949 respecting compensation for occupational diseases and industrial accidents suffered by indigenous workers.

Order No. 22-338 of 16 October 1954 to fix the date of the coming into force of the above-mentioned Decree of 30 June 1954.

The Decree of 28 December 1954 increases the rates of pensions and other cash benefits payable to non-indigenous persons by 20 per cent. in cases of industrial accidents occurring after 1 January 1955; it also increases the insurance contribution by 20 per cent.

The Decree of 30 June 1954 reduces the waiting period for benefit under the employment injury insurance scheme for indigenous workers from 60 to 30 days and requires the insurer to meet the cost of prosthetic and orthopaedic appliances from the date of the accident.

Statistical data show that 647,480 workers were insured under the Colonial Invalidity Fund (8,804 employers), 227,022 under the

Mutual Fund of Employers of the Belgian Congo and Ruanda-Urundi (143 employers), and 40,000 under the Common Union Fund (9 employers).

The total cost of application was as follows: Colonial Invalidity Fund, 25,892,925 francs; Mutual Fund of Employers, 16,715,257 francs; and Common Union Fund, 1,537,028 francs.

In 1954, 5,488 industrial accidents occurred to indigenous workers and compensation was granted in 2,938 cases (temporary incapacity of 15 days or more 2,207; permanent incapacity 475; and death 256).

The workers' organisations requested an increase in the wage maximum serving as a basis for the calculation of the benefits and an increase in the rate of compensation in cases of total incapacity.

### *France.*

#### *Algeria.*

Act of 2 September 1954.

Order of 8 April 1955.

Orders of 25 February and 2 September 1954 respecting the prevention of industrial accidents.

Order of 10 July 1950.

Decision No. 49045 of the Algerian Assembly. put in force by the Order of 10 June 1949.

Under the legislation the pension of the surviving spouse, which is computed at 30 per cent. of the wage, is increased to 50 per cent. when the spouse reaches 60 years of age or in the event of 50 per cent. incapacity for work. The pensions are automatically adjusted by applying annual differentials calculated on wage movements.

The Order of 8 April 1955 establishes the amount of 295,320 francs as the new minimum wage for the calculation of compensation.

Medical attention, drugs and hospitalisation are free until such time as the injury is healed or, in the event of a relapse, for a period of three years; prosthetic and orthopaedic appliances are supplied free of charge. A guarantee fund assumes the liability of defaulting debtors.

The principle of free vocational retraining for persons crippled as a result of industrial accidents was recently adopted on 16 March 1955 by the Algerian Assembly; the implementation of this measure is expected in the near future.

A technical research and investigation committee has been set up to work on the results already obtained and to prepare further measures to improve occupational safety and health.

The courts of law possess sole jurisdiction in the award of compensation to victims of industrial accidents and their next-of-kin; the direc-

tor of the Deposit and Consignment Office possesses sole powers with regard to the assessment of increases in pensions for industrial accidents.

It is compulsory for employers to insure against industrial accident risk; this risk is as a rule carried by private insurance companies or, in exceptional cases, by the employers themselves when authorised to do so pursuant to the Order of 10 July 1950 cited above.

During the year 1954 approximately 70,000 accident reports were recorded. In 1953 the insurance companies paid out 2,267 million francs in respect of compensation for industrial accidents, and 1,043 million francs as capital outlay for pensions.

#### *Comoro Islands (First Report).*

Circular No. 243/IT of 31 January 1955 respecting compensation for industrial accidents.

The above-mentioned text introduced a system of compensation for industrial accidents applicable to all workers, whatever the type of work performed by the undertaking in which they are employed.

#### *French Equatorial Africa.*

The circular dealing with compensation for employment injuries applies to all workers and apprentices employed in undertakings and establishments of every kind, whether public or private; all trades are covered.

The Inspector of Labour is empowered to propose the redemption of pensions equivalent to an invalidity rate equal to, or lower than, 10 per cent.

Compensation is payable with effect from the first day following cessation of work as a result of an accident; it is paid either by the employer or the insurer.

The procedure for supervision and revision is the same as that laid down by the metropolitan Act of 30 October 1946.

Medical, surgical and pharmaceutical expenses are payable until the injury heals, the cost being borne by the employer or his insurer. Prosthetic or orthopaedic appliances are supplied and maintained at the expense of the employer or his insurer.

#### *French Guiana.*

See under *Guadeloupe*.

#### *French Settlements in Oceania.*

Order No. 1746/IT of 2 November 1954 to make it compulsory to notify industrial accidents.

The number of industrial accidents noted during 1954 was 183. The main causes were: handling of materials, 43; falls and slips, 23; falls of different objects, 14; hand tools, 11.

#### *Guadeloupe.*

Decree No. 55-244 of 10 February 1955 to issue public administrative regulations for the application of Act No. 54-806 of 13 August 1954, extending the social insurance scheme to the Departments of Guadeloupe, French Guiana, Martinique and Réunion and defining the insurance scheme for industrial accidents and occupational diseases in those Departments.

Act No. 54-892 of 2 September 1954 to revalorise the compensation payable under the legislation on industrial accidents.

The 1954 Act provides that pensions awarded in respect of industrial accidents occurring in the Department between 31 August 1946 and 1 January 1952 shall be calculated in accordance with the rules in force in metropolitan France. The increased expense will be borne by the section for pension increases set up for Overseas Departments.

#### *Madagascar.*

In 1954 there were 1,976 accidents, 702 of which were caused by objects being handled or accidentally set in motion, 270 by vehicles, 243 by machines, 179 by conditions at the work site or on the ground and 144 by hand tools.

#### *Martinique.*

See under *Guadeloupe*.

#### *Morocco.*

Persons whose injury results in incapacity of such a nature that they must have the constant help of another person are entitled to a supplementary pension equal to a quarter of their basic pension, provided that the supplement may not be less than 114,000 francs per year.

#### *Réunion.*

See under *Guadeloupe*.

#### *Italy.*

#### *Trust Territory of Somaliland.*

Ordinance No. 11 of 20 May 1955 and additional regulations to improve the cash benefit system already in force.

During a period of unemployment the daily allowance payable in cases of temporary incapacity has been raised from 50 per cent. to two-thirds of the wage. As a result of many requests by the persons concerned, the Social Insurance Fund allows beneficiaries to draw the actuarial value of the pension due to them in cases of a lower percentage of invalidity, i.e. from 16 to 30 per cent.

The number of accidents reported was 4,254, six of which were fatal; 3,720 insured persons, of whom 3,549 were Africans, received benefits totalling 151,315 somalos from the Fund.

#### *Netherlands.*

#### *Netherlands New Guinea.*

Industrial Accidents Decree (Royal Decree No. 69 of 20 April 1939).

Industrial Accidents Regulation, 1939 (Ordinance of 8 May 1939).

Industrial Accidents Ordinance, 1939 (Government Ordinance of 5 December 1939).

The report states that in order to attain the effect aimed at in the simplest possible way, the only obligation imposed on the employer is, in case of an industrial accident, to pay an allowance to the worker which is fixed in the regulation. Employers are free to decide whether and to what extent they wish to transfer their risk to a co-operative or private insurance company or to bear the risk themselves.

According to section 1 of the regulation only the employer of an establishment which is under an obligation to pay allowances (or part of such an establishment) is legally obliged to

grant compensation in case of an industrial accident. The establishments which have been declared to be under the obligation to pay allowances are mentioned in section 2 of the regulation; any further designation of dangerous establishments must be made by government decree.

The regulation does not apply in the case of an accident knowingly provoked by the worker. Furthermore there must be a connection between the accident and the work (thus, accidents occurring to the worker going to or coming from his place of work are as a rule not covered by the Industrial Accidents Regulation).

According to section 10 of the Industrial Accidents Regulation, 1939, the employer is obliged to transport the worker concerned to an adequate hospital or to his home, and to provide free medical treatment and nursing to the worker concerned, including medicaments and the necessary dressings. In the case of death the employer must pay to the dependants a sum to cover funeral expenses. This amount is fixed at 26 times the daily wage, subject to a minimum of 15 florins and a maximum of 200 florins. Finally, under section 11 of the regulation, the employer must pay an allowance to the victim of an accident; if he dies the allowance is paid to his dependants. The amount of this payment differs according to the seriousness of the accident: death, permanent total disablement, permanent partial disablement, or temporary disablement. Section 11 further indicates whether the payment is to be in a lump sum or in instalments.

The officials of the Labour Division of the Service for Social Affairs, in co-operation with the local government officials, ensure that the employers fulfil their obligations. In the period from 1 July 1954 to 30 June 1955, 106 accidents were reported (five of which were fatal).

The Safety Inspectorate, which forms part of the Labour Division, pays particular attention to the task of awakening the non-indigenous employers to the moral responsibility they have towards their Native workers who mostly do not realise the dangers. If, in spite of this, accidents still happen, inquiries are instituted and measures are prescribed to prevent their repetition in the future.

#### *Surinam.*

The report points out that the Netherlands Industrial Accidents Act served as a guide for the Surinam regulation, so that there cannot be many differences with regard to the international provisions in this field.

Statistical data will be provided as soon as they have been collected and analysed.

#### *New Zealand.*

#### *Western Samoa.*

See under Convention No. 12.

#### *Portugal.*

#### *Angola.*

Three industrial accidents were reported during the period under review. No difficulties were encountered in applying the provisions of the Convention.

#### *S. Tomé and Príncipe.*

During the period under review 159 cases of industrial accidents were brought before the courts with a view to fixing pensions and allowances. Legal decisions were given in 146 cases. The amount paid out in pensions and allowances was 204,722 escudos.

#### *United Kingdom.*

#### *Aden.*

Workmen's Compensation (Amendment) Ordinance No. 25 of 1954.

Section 7 (A) of the above-mentioned ordinance gives effect to Article 7 of the Convention.

#### *Barbados.*

The total number of accidents reported was 644, of which three were fatal.

#### *Bechuanaland.*

The report states that, according to revised statistics for 1954-55, the total number of employees was as follows: trade and industry, 1,800; building, 300; domestic service, 2,000; government service, 3,500 (including approximately 2,400 casual labourers).

#### *British Guiana.*

Workmen's Compensation Ordinance No. 63 of 1952. Workmen's Compensation Regulations No. 9 of 1955.

Workmen's Compensation (Occupational Diseases) Order No. 19 of 1955.

Under the new Workmen's Compensation Ordinance the term "workman" includes non-manual workers and the limit of earning was raised from £250 to £375 a year. Persons engaged in plying for hire with any vehicle or vessel are no longer excluded from the scope of the legislation.

Compensation is payable only in respect of days in excess of the first three where the incapacity lasts for less than 12 days. Where the incapacity lasts for 12 days or more, compensation is paid in respect of the full period. The amount of compensation payable in the different cases is fixed in subsection 1 of section 8 of the ordinance. In case of death of the workman the compensation payable to his dependants may equal 30 months' wages with a minimum of £375. In case of permanent total incapacity the compensation payable is equal to 48 months' wages with a minimum of £600 and a maximum of £1,200. Compensation in the case of temporary incapacity, whether total or partial, is based on a sliding scale according to the monthly wages of the injured workman.

Section 9 of the ordinance makes it incumbent on the employer to supply artificial limbs and apparatus where it is considered that this will improve the earning capacity of the workman.

Under the provisions of section 25 an employer who is obliged under section 23 to take out a policy of insurance is required to make application for registration to the Commissioner of Labour. According to section 23 it is obligatory for an employer in respect of certain employments to take out a policy of insurance or

other contract of indemnity. Where an employer has entered into a contract with insurers and that employer becomes bankrupt or insolvent, the rights of the employer against the insurers shall be transferred to and vested in the workman.

Out of an estimated total number of 100,000 workers gainfully employed, 80,000 are covered by the legislation on workmen's compensation. During the period under review 10,910 accidents were notified; the report contains details of the nature of these accidents.

#### *British Honduras.*

During the calendar year 1954, 303 accidents were reported, of which seven were fatal, 294 resulted in temporary incapacity, and two led to permanent partial incapacity. The amount of \$14,491 was paid in compensation.

#### *Brunei.*

Draft legislation on the lines of the Singapore Law has been prepared to bring the terms of existing legislation into conformity with those of the Convention. This draft will be submitted to the State Council in 1956.

During the period under review 7,853 workers were employed in the service of the Government, in the generation, transmission or distribution of electrical energy, on rubber estates, in oil extraction, in sawmills, and in the operation of loading or unloading, storing, discharge, transfer or moving goods into or from lorries, godowns or ships. The number of workmen, employees and apprentices covered by the general provisions regarding workmen's compensation is not known.

During the period under review a total of \$52,286 was paid in cash benefits (\$716.24 per person). Seventy-three accidents were reported in the oil industry, three of which were fatal.

#### *Cyprus.*

In 1954, 776 accidents were reported, ten of which were fatal. A total of £14,768 was paid as cash benefits in compensation.

#### *Gibraltar.*

Out of some 21,000 workers, approximately 19,500 are covered by the Employment Injuries Insurance Scheme and 170 by other arrangements. Benefits in cash paid out during 1954 totalled £9,909 (10s. 2d. per insured person); the cost of benefits in kind (mostly for hospital treatment) was £3,102 (3s. 2d. per insured person). The number of industrial accidents reported was 1,115.

#### *Gold Coast.*

Workmen's Compensation (Amendment) Ordinance, 1954.

The amending ordinance excludes from its scope, *inter alia*, any employed person whose earnings exceed £600 a year, and persons employed in agricultural or handicraft work by an employer who normally employs less than ten workmen.

Under section 7 of the above-mentioned ordinance, provision is made for additional com-

pensation to an injured workman who must have the constant help of another person, the amount of such additional compensation to be equivalent to one-quarter of the normal compensation payable.

Section 13 of the ordinance provides that the employer shall defray the reasonable expenses of a workman within the Gold Coast or, with the approval of the chief medical officer, outside the Gold Coast, in connection with an accident arising out of and in the course of his employment; these expenses are in respect of medical, surgical and hospital treatment, skilled nursing service and the supply of medicine to an amount not exceeding £100; and the supply, maintenance, repair and renewal of non-articulated artificial limbs and apparatus to an amount not exceeding £50.

During the period from 1 April 1954 to 31 March 1955, 97 fatal and 2,868 non-fatal accidents were reported. A total of £23,282 was paid out in cash benefits.

#### *Grenada.*

The average number of persons employed during 1954 and coming within the scope of the legislative provisions was 1,733. There were six cases involving the payment of compensation during the period under review; four of these cases involved a total compensation of \$3,463.

#### *Guernsey (First Report).*

Contributory Pensions Law, 1935, as amended in 1937, 1938, 1939, 1943, 1945, 1947, 1949, 1953 and 1955.

Various Ordinances, issued from 1935 to 1955, relating to contributory pensions.

*Article 1 of the Convention.* The provisions of the Convention are to some extent applied by the Guernsey Contributory Pensions Law which provides for payment of benefits in respect of injury or death from accident, whether in employment or otherwise, on the Islands of Guernsey, Alderney, Herm and Jethou.

*Article 2.* The law applies to compulsory contributors, that is, persons above school-leaving age employed under a contract of service or apprenticeship, whether express or implied, orally or in writing; and also to persons who have ceased being compulsory contributors but who have elected to become voluntary contributors. Children of employers are exempted if the parent guarantees that certain financial safeguards will be available to the former in case of accident. Both manual and non-manual workers whose usual earnings, excluding bonus, commission and overtime, exceed £8 per week are excluded. The scheme also excludes Crown employees entitled to sick pay.

*Articles 3 and 4.* The law applies to seamen and fishermen and to agricultural workers.

*Article 5.* Compensation is payable to injured workers or their surviving dependants by way of pension. The States Insurance Authority is authorised, in cases in which in its discretion it deems it advisable to do so, to permit the commutation of benefits awarded. However, it has been the policy of the Authority for

many years not to exercise this discretionary power.

*Article 6.* Benefits are payable by the States Insurance Authority from the day on which an injured worker is first attended by a doctor after the accident.

*Article 7.* There is no provision for additional compensation when constant attendance is required.

*Article 8.* Benefits may be reviewed at any time, at the instance of the Insurance Authority or the beneficiary, and on such review may be increased, diminished or withdrawn.

*Article 9.* The Insurance Authority must pay the fee for the first attendance of an injured worker by a doctor, if it takes place within 14 days after the accident. It is also empowered at its discretion to pay for subsequent medical attendance, and to defray expenses of hospitalisation and other necessary treatment for injured workers whose capacity to work can be wholly or partially restored.

*Article 10.* The provision of surgical apparatus is a discretionary power vested with the Insurance Authority.

*Article 11.* The question of the insolvency of the insurer or employer does not arise so far as insured persons are concerned, since compensation is payable by the States Insurance Authority.

The law is administered by the States Insurance Authority, which has a staff of 15 persons whose duty it is to see that its provisions are enforced. Inspection of the safety precautions of industrial undertakings is carried out by inspectors of the States Labour and Welfare Committee. No courts have given decisions involving questions of principle relating to the application of the Convention. A total of 18,098 persons were insured at 30 June 1954 under the Contributory Pensions Law; there were 1,019 claims for benefit for accidents occurring at work and 1,115 for those not occurring at work; the cost of accident and medical benefits was £15,115.

#### *Hong Kong.*

At the end of the period under review the Labour Inspectorate consisted of one superintendent of labour, two senior labour inspectors and eight labour inspectors, with vacancies for one chief labour inspector and seven labour inspectors.

#### *Jersey (First Report).*

Insular Insurance (Jersey) Law, 1950, as amended in 1952, 1953 and 1954.  
Various Orders issued from 1951 to 1954 relating to insular insurance.

*Article 1 of the Convention.* Injury benefit is payable to any person who suffers personal injury by accident and as a result is deemed to be incapable of work.

*Article 2.* All workmen are insurable under the above-mentioned law, with the exception of certain employments mainly of a part-time nature. There is no special provision for except-

ing outworkers or non-manual workers whose remuneration exceeds a specified limit.

*Articles 3 and 4.* No person is exempted from insurance.

*Article 5.* Injury benefit is payable for up to 156 days at the adult rate of 32s. 6d. per week plus dependants' increases. Disablement benefit is payable normally at the end of the injury benefit period where the claimant suffers, as a result of an injury, from loss of a physical or mental faculty which is likely to be permanent; the rate of this benefit depends upon the assessment of disablement. Widows' benefits and guardians' allowances are also payable in case of death.

*Article 6.* Injury benefit normally begins with the day of the accident.

*Article 7.* The law does not provide for a constant attendance allowance.

*Article 8.* Provision is made for review by a medical board, under specified circumstances, of any assessment of the extent of disablement, if it is satisfied that there has been a substantial and unforeseen aggravation of the results of the injury since the assessment was made.

*Articles 9 and 10.* There is no scheme providing for medical aid or assistance. It is not anticipated that any such scheme will be introduced, at least for the time being.

*Article 11.* Benefit is paid out of a fund known as the Insular Insurance Fund, made up of contributions by employers and employees and a contribution and supplement from the States of Jersey.

The law is administered by a Committee of the States of Jersey called the Insular Insurance Committee. Three inspectors have been appointed whose duties include responsibility for enforcing provisions of the law. During the year ended 4 September 1954, 664 claims for injury benefit were received; the total cost of injury and disablement benefits was £5,767.

#### *Leeward Islands.*

In June 1955 the total number of workmen, employees and apprentices employed in Antigua (and covered by legislation) was approximately 6,300. During the period under review the Administration paid to its employees a sum of \$2,929 in respect of 143 claims. Thirty-four accidents were reported, one of which was fatal.

In St. Kitts-Nevis-Anguilla the amounts paid in compensation during the year 1954 totalled \$1,882.

One non-fatal accident was reported in the British Virgin Islands during the year; the amount of compensation paid was \$225.80. No cases of accident were reported in Montserrat and no compensation was paid for the year under review.

The report states that it has been decided that the federal legislation will be repealed and be replaced by legislation on a presidential basis.

*Federation of Malaya.*

During the period under review the amount paid out in workmen's compensation was \$1,797,467; the total number of accidents reported was 10,089, of which 410 were fatal.

*Malta.*

See under Convention No. 12.

*Nigeria.*

During the period under review a total of £12,782 was paid out as compensation to 223 workers. The average cost per beneficiary was £57 6s. 5d. Of the 223 cases, 23 were fatal.

*North Borneo.*

During 1954, 305 accidents occurred, 18 of which were fatal; 213 were compensated. The total cost of benefits in cash was \$83,164 (\$6.16 per beneficiary).

*St. Helena.*

During the period under review two payments were made in respect of injury to flaxmill workers resulting in temporary disablement; the amount paid was £13 11s. 1d.

*Sarawak.*

A draft Workmen's Compensation Bill has been prepared. The report states that, when

passed by the Council Negri, this Bill will comply with the Convention.

The number of workmen, employees and apprentices covered by the general provisions respecting workmen's compensation are not known, but there were 15,574 workers employed in the service of the Government of the colony in the generation, transformation or distribution of electrical energy, on rubber estates (other than smallholders), in coal mines, stone quarries, oil extraction, saw mills, telegraph services, fire brigade, transport and a dock in which ships are repaired. During the period under review there were 58 accidents, six of which were fatal. The total amount of compensation paid was \$44,863, that is an average of \$773.50 per person covered by the legislation. There were no benefits in kind.

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

*France:* Cameroons, French Somaliland, French West Africa, New Caledonia, St. Pierre and Miquelon, Togoland.

*Netherlands:* Netherlands Antilles.

*New Zealand:* Cook Islands.

*Portugal:* Cape Verde, Portuguese Indies.

*United Kingdom:* Bahamas, Basutoland, Bermuda, British Somaliland, Dominica, Nyasaland, St. Vincent, Seychelles, Swaziland.

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.

*Italy.* Ratification: 22 January 1934.  
Decision reserved: Trust Territory of Somaliland.

*Japan.* Ratification: 8 October 1928.  
Not applicable: Pacific Islands (League of Nations mandate).

*Netherlands.*<sup>2</sup> Ratification: 1 November 1928.  
No declaration.

*Portugal.* Ratification: 27 March 1929.  
Decision reserved: all non-metropolitan territories.

*United Kingdom.*<sup>2</sup> Ratification: 6 October 1926.  
Applicable *ipso jure* without modification<sup>3</sup>: Channel Islands and Isle of Man.

No declaration: all other non-metropolitan territories.

The Decree of 28 December 1954 increases by 20 per cent. the pensions and allowances payable to non-indigenous persons who were found to have contracted occupational diseases after 1 January 1955. The rates of these pensions and allowances are the same as those payable to the victims of occupational accidents and their beneficiaries.

The Royal Order of 27 September 1954 changes the contribution rates for those establishments whose workers are exposed to the risk of silicosis and pneumoconiosis.

Eleven cases of disease were notified. The total paid out in benefits amounted to 59,380,772 francs.

*Denmark.**Greenland.*

See under Convention No. 12.

*France.**Comoro Islands (First Report).*

In the majority of cases a decision by a court of law is required for an illness contracted by a wage earner in connection with his work to be recognised as an occupational disease.

*French Equatorial Africa.*

See under Convention No. 17.

<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.

*Belgium.**Belgian Congo and Ruanda-Urundi.*

Decree of 28 December 1954 respecting compensation for occupational diseases contracted by non-indigenous persons.

Royal Order of 27 September 1954 to prescribe the rates of insurance contributions for occupational diseases contracted by non-indigenous persons.

*French Guiana.*

See under Convention No. 42.

*French Settlements in Oceania.*

Two cases of lead poisoning were discovered in the Government printing works. The persons concerned were given sick leave with pay. Protective measures have been taken to avoid further cases of poisoning.

*French West Africa.*

Act No. 52-1322 of 15 December 1952 to establish a Labour Code in the Territories and Overseas Territories under the Ministry for Overseas France, section 137 (L.S. 1952—Fr. 5).

Under the Act the employer is required to notify the Inspector of Labour and Social Legislation within 48 hours of every case of occupational disease that is reported in the undertaking, the procedure being the same as for the notification of occupational accidents.

The trades, industries or processes that are apt to give rise to the occupational diseases defined by the Convention are as yet hardly known in the Federation.

The technical committees are to draw up a schedule of occupational diseases to form part of employment injury legislation which is now being drafted and which is expected to be introduced in the near future.

*Guadeloupe.*

See under Convention No. 42.

*Martinique.*

See under Convention No. 42.

*Réunion.*

See under Convention No. 42.

*Italy.**Trust Territory of Somaliland.*

Ordinance No. 11 of 20 May 1955 and additional provisions published in the Official Gazette No. 8 of 16 August 1955, Supplement No. 3.

The above-mentioned provisions effected an improvement in the circumstances of manual workers temporarily incapacitated as the result of an industrial accident or occupational disease, during their period of enforced unemployment.

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

*Denmark:* Faroe Islands.

*France:* Algeria, Cameroons, French Somaliland, Madagascar, Morocco, New Caledonia, St. Pierre and Miquelon, Togoland.

*Portugal:* Angola, Cape Verde, Portuguese Indies, S. Tomé and Príncipe.

## 19. Equality of Treatment (Accident Compensation) Convention, 1925

*This Convention came into force on 8 September 1926*

*Belgium.* Ratification : 3 October 1927.  
Decision reserved : Belgian Congo and Ruanda-Urundi.

*Denmark.* Ratification : 31 March 1928.  
Applicable without modification : Faroe Islands, Greenland.

*France.* Ratification : 4 April 1928.  
Applicable without modification : Algeria, Morocco, Tunisia.  
No declaration : all other non-metropolitan territories.

*Italy.* Ratification : 15 March 1928.  
Applicable without modification : Trust Territory of 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 reserved : all non-metropolitan territories.

*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 : British Somaliland.  
Decision 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 non-metropolitan territories.

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

<sup>2</sup> See footnote 2 to Convention No. 15.

*Belgium.**Belgian Congo and Ruanda-Urundi.*

The Decrees of 20 December 1945, and 1 August 1949 on workmen's compensation for non-indigenous and indigenous persons respectively make no discrimination between nationals and foreign workers. The latter enjoy the same treatment as nationals from the moment they are bound by a contract of service in the Belgian Congo and Ruanda-Urundi.

The legislation does not lay down any residence conditions with regard to payments to non-indigenous persons, and the remittance of pensions and allowances is effected even if the worker is resident outside the territory. In the case of indigenous persons leaving the Congo with no intention of returning, the insurer may, with the approval of the local authority and if the review period has expired, pay the pensioner the actuarial value of the pension still outstanding. Otherwise payments are made at the beneficiary's place of residence.

The revision of the Decree of 20 December 1945 is under consideration. The report states that it would be necessary to await the draft-



ing of the final texts before contemplating the possibility of extending the application of the Convention to non-metropolitan territories.

#### *Denmark.*

##### *Greenland.*

The report states that the Danish employment injury legislation applies to workers temporarily employed (for less than two years) in Greenland by undertakings having their headquarters in Denmark.

Persons locally recruited by the State are subject to special rules as to employment injury compensation. However, a regulation to supersede these rules is being prepared and will provide for substantial increases in benefits.

The report further states that there are no regulations respecting the compensation of persons employed by the few undertakings having their headquarters in Greenland, but that the introduction of a general employment injury insurance scheme is being considered.

Where an employment injury insurance scheme exists, Danish nationals and nationals of member States which have ratified the Convention enjoy equality of treatment in respect of employment injury compensation.

#### *France.*

##### *Algeria.*

Act of 25 September 1919 to extend the 1898 Workmen's Compensation Act to Algeria.  
Order of 10 July 1950.

Since the above-mentioned Act was passed French legislation regarding foreign workers has been considered fully applicable in Algeria.

Insurance against occupational accidents and diseases is provided by private insurance companies and employers designated in accordance with the Order of 10 July 1950.

The labour inspectors are responsible for supervising the enforcement of legislation in Algeria on occupational accidents and diseases.

##### *Comoro Islands (First Report).*

Foreign workers are placed on exactly the same footing as nationals as regards daily allowances and the employer's liability for all care and treatment. For foreign workers a lump-sum payment equivalent to three years' pension is payable in lieu of a pension for permanent invalidity when such workers leave the territory; the same rule is applied to the beneficiaries of foreigners who leave the territory.

##### *French Guiana.*

See under *Guadeloupe*.

##### *Guadeloupe.*

Decree No. 55-244 of 10 February 1955 to issue public administrative regulations under Act No. 54-806 of 13 August 1954, extending the social insurance scheme to the Departments of Guadeloupe, French Guiana, Martinique and Réunion, and defining the insurance scheme for industrial accidents and occupational diseases in those Departments.

##### *Martinique.*

See under *Guadeloupe*.

##### *Réunion.*

See under *Guadeloupe*.

##### *Italy.*

##### *Trust Territory of Somaliland.*

About 10,400 workers are regularly insured against industrial accidents, 750 of them being Europeans.

##### *Netherlands.*

##### *Netherlands New Guinea.*

See under Convention No. 17.

##### *Surinam.*

Compensation for injury by accident arising out of employment and in respect of specified occupational diseases is payable under Ordinance No. 145 of 10 September 1947, which applies to all undertakings other than those in agriculture, forestry, stock-breeding and horticulture. The ordinance provides that foreigners or their dependants who take up their residence outside Surinam forfeit their rights to compensation. Nevertheless, if they are entitled to cash benefit in respect of incapacity for work, whether temporary or permanent, or in respect of death, the benefit is commuted for a lump sum (section 6 (7)).

##### *United Kingdom.*

##### *British Guiana.*

For new legislation see under Conventions Nos. 17 and 42.

The new legislation provides for equality of treatment in respect of nationality. It is in particular stipulated that, if a workman receiving periodical payments ceases to reside in the territory, such payments shall be redeemed by a lump sum to be determined by agreement or by a court on the application of either party.

##### *Gibraltar.*

The number of foreign workers (including domestic servants) to whom the provisions of the legislation apply is approximately 12,800. During 1954 there were 813 industrial accidents involving foreign workers.

##### *Guernsey (First Report).*

Contributory Pensions Law, 1935, as amended in 1937, 1938, 1939, 1943, 1945, 1947, 1949, 1953 and 1955.

Various Ordinances, issued from 1935 to 1955, relating to contributory pensions.

*Article 1 of the Convention.* No distinction is made between national and foreign workers. Benefit is not paid to persons temporarily incapacitated as the result of an accident who are absent from the Island unless they notify the States Insurance Authority and the latter approves their absence.

*Article 2.* No special agreements in accordance with this Article have been made.

*Article 3.* The above-mentioned legislation establishes an insurance scheme which provides for the payment of benefits in respect of the injury or death of workers from accident, whether in employment or otherwise.



*Article 4.* See under Convention No. 17 for information regarding the relevant legislation.

The application of the above-mentioned law and ordinances is entrusted to the States Insurance Authority.

#### *Hong Kong.*

During the period under review workmen's compensation was paid in five cases in respect of death or injuries of migrant manual workers from Hong Kong, resulting from accidents in the course of their employment overseas; two of these cases had been mentioned in the report for the previous period. One case was settled by the payment of 3,200 Malayan dollars to dependants, but in the other no compensation could be paid as investigations showed that no dependants existed. The remaining three cases were still under investigation at the end of the period under review.

See also under Convention No. 17.

#### *Jersey (First Report).*

Insular Insurance (Jersey) Law, 1950, as amended in 1952, 1953 and 1954.

Insular Insurance (Airmen) (Jersey) Order, 1951.

Insular Insurance (Mariners) (Jersey) Order, 1951.

Insular Insurance (Reciprocal Agreement with Great Britain) (Jersey) Act, 1954.

Insular Insurance (Reciprocal Agreement with France) (Jersey) Act, 1952.

Insular Insurance (Reciprocal Agreement with France) (No. 2) (Jersey) Act, 1953.

Insular Insurance (Reciprocal Agreement with France) (No. 3) (Jersey) Act, 1955.

*Article 1 of the Convention.* No distinction is made as between national and foreign workers. Persons are disqualified from receiving benefit while they are absent from the Island unless provision is otherwise made by order. Accident benefit is payable to mariners in respect of accidents happening outside the Island and mariners are not disqualified from receiving injury benefit by reason of being absent from Jersey. Generally similar provisions apply to airmen. By reason of a reciprocal agreement with Great Britain, a person in Great Britain is not disqualified from receiving accident benefit under the Insular Insurance Law by reason of absence from Jersey. The Insular Insurance (Reciprocal Agreement with France) (Jersey) Act, 1952, makes the 1948 reciprocal agreement on social security between the United Kingdom and France applicable to Jersey,

with certain special conditions relating to seasonal workers.

*Article 2.* No special agreements in accordance with this Article have been made.

*Article 3.* The Insular Insurance Law establishes an insurance scheme which provides for payment of benefits in respect of the injury or death of workers from accident.

*Article 4.* See under Convention No. 17 for information regarding the relevant legislation.

Administration of the legislation is entrusted to an Insular Insurance Committee which employs 48 persons, not including an inspectorate of three. No decisions have been given by the courts involving questions of principle related to the application of the Convention. No separate statistics regarding accidents to alien workers are kept. Jersey has no heavy industry and very few light industries, and the number of accidents during the course of employment is bound to be very small.

#### *Leeward Islands.*

See under Convention No. 17, last paragraph.

#### *Malta.*

See under Convention No. 12.

#### *Nigeria.*

See under Convention No. 12.

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

*Denmark:* Faroe Islands.

*France:* Cameroons, French Equatorial Africa, French Settlements in Oceania, French Somaliland, French West Africa, Madagascar, Morocco, New Caledonia, St. Pierre and Miquelon, Togoland.

*Netherlands:* Netherlands Antilles.

*Portugal:* Angola, Cape Verde, Portuguese Indies, S. Tomé and Príncipe.

*United Kingdom:* Aden, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Gold Coast, Grenada, Federation of Malaya, North Borneo, Nyasaland, St. Helena, St. Vincent, Sarawak, Seychelles, Swaziland.

*Union of South Africa:* South-West Africa.

## 21. Inspection of Emigrants Convention, 1926

*This Convention came into force on 29 December 1927*

*Australia.* Ratification : 18 April 1931.  
No declaration.

*Belgium.* Ratification : 15 February 1928.  
Decision reserved : Belgian Congo and Ruanda-Urundi.

*Denmark.* Ratification : 18 May 1955.  
No declaration.

*France.*<sup>1</sup> Ratification : 13 January 1932.  
No declaration.

*Japan.* Ratification : 8 October 1928.  
Not applicable : Pacific Islands (League of Nations mandate).

*Netherlands.* Ratification : 13 September 1927.  
No declaration.

*New Zealand.* Ratification : 29 March 1938.  
No declaration.

*United Kingdom.*<sup>1</sup> Ratification : 16 September 1927.  
Applicable *ipso iure* without modification<sup>2</sup> : Channel Islands and Isle of Man.  
No declaration : all other non-metropolitan territories.

<sup>1</sup> Conditional ratification.

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

*Netherlands.**Surinam.*

The report states that there are no emigrants from Surinam of the kind covered by the Convention.

The reports from the following countries either

reproduce or refer to the information previously supplied :

*Australia*: Nauru, New Guinea, Norfolk Island, Papua.

*Belgium*: Belgian Congo, Ruanda-Urundi.

*Netherlands*: Netherlands Antilles.

*New Zealand*: Cook Islands and Niue, Western Samoa.

## 22. Seamen's Articles of Agreement Convention, 1926

*This Convention came into force on 4 April 1928*

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*Australia*. Ratification: 1 April 1935.  
Not applicable: all non-metropolitan territories.

*Belgium*. Ratification: 3 October 1927.  
Decision reserved: Belgian Congo and Ruanda-Urundi.

*France*. Ratification: 4 April 1928.  
No declaration.

*Italy*. Ratification: 10 October 1929.  
Applicable without modification: Trust Territory of Somaliland.

*Netherlands*. Ratification: 15 December 1937.  
No declaration.

*New Zealand*. Ratification: 29 March 1938.  
No declaration.

*United Kingdom*. Ratification: 14 June 1929.  
Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands, Isle of Man.  
No declaration: all other 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. 7.

*France.**Algeria.*

See under Convention No. 8.

*French Guiana.*

See under Convention No. 8.

*French West Africa.*

Notwithstanding the provisions of the Act of 15 December 1952, local collective agreements continue to be applied as being more in keeping with the interests of both parties.

A Merchant Shipping Bill is to be submitted to the Department for examination with a view to keeping up with international legislation in this field.

*Guadeloupe.*

See under Convention No. 8.

*Martinique.*

See under Convention No. 8.

*Morocco.*

Dahir of 6 July 1953 to amend the Merchant Shipping Code (L.S. 1953—Mor. (Fr.) 3).

The maritime authority countersigns and seals the articles of agreement if they contain nothing contrary to the legal provisions.

As regards holidays with pay, Moroccan seamen in the merchant service are covered by the general scheme of annual holidays with pay.

Copies of the laws and regulations governing articles of agreement, and of the articles themselves, must be carried on board ship to be available for consultation by the seamen on request. These general conditions of the agreement must be posted up in the crews' quarters.

The report cites the provisions of sections 198 and 201 of the Moroccan Merchant Shipping Code.

According to the Government a declaration of acceptance could be made in connection with the Convention, except that a reservation would have to be made with regard to the application of Article 13.

*Réunion.*

See under Convention No. 8.

*Netherlands.**Netherlands New Guinea.*

Commercial Code (Title IV, seamen's articles of agreement).  
Netherlands East Indies Statute Book 1940, Nos. 447, 555 and 556.

The provisions of Title IV of the Commercial Code are applicable to all groups of the population. There is a special regulation concerning accidents to seamen in the above-mentioned Statute Book. The purport of this regulation is in conformity with the provisions of Conventions Nos. 17 and 19. This regulation has been entirely adapted to conditions at sea.

*Surinam.*

Commercial Code.

The Commercial Code contains provisions regulating seamen's articles of agreement; since there is only one small Surinam shipping company of coasters, special legislation has not appeared necessary.

*United Kingdom.**Basutoland.*

See under Convention No. 7.

*Bechuanaland.*

See under Convention No. 7.

*Gibraltar.*

The number of seamen signed on during the period under review was 1,111.

*Guernsey (First Report).*

Merchant Shipping Acts of 1894, 1906 and 1950.

The provisions of these Acts which relate to the seamen's articles of agreement are contained for the most part in Part II of the Act of 1894, as amended by section 2 of the Act of 1950 and in Part IV of the Act of 1906.

For the authorities entrusted with the application of the legislation, see under Convention No. 8.

*Hong Kong.*

There is no local definition of a home trade vessel but a river steamer is defined by law as any steamship regularly plying between the territory and any place on the Canton river or the West river or any river in the province of Kwantung or the province of Kwangsi or between the territory and Macao. All other steamers plying between Hong Kong and China ports are commonly referred to as "China coasters".

During the period under review 22,278 seamen were engaged and 21,207 discharged at the Mercantile Marine Office; most engagements or discharges were for ships trading in Far Eastern waters. The demand for discharge books has decreased since most seamen engaged or discharged at the port are already in possession of one. One contravention was reported.

*Jersey (First Report).*

See under *Guernsey*.

*North Borneo.*

See under Convention No. 7.

*Sarawak.*

Consideration will be given to embodying the requirements of the Convention in a new Merchant Shipping Bill now being prepared.

*Southern Rhodesia.*

See under Convention No. 7.

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

*Australia*: Nauru, New Guinea, Norfolk Island, Papua.

*France*: Cameroons, French Equatorial Africa, French Settlements in Oceania, French Somaliland, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland.

*Italy*: Trust Territory of Somaliland.

*Netherlands*: Netherlands Antilles.

*New Zealand*: Cook Islands and Niue, Western Samoa.

*United Kingdom*: Aden, Bahamas, Barbados, Bermuda, British Guiana, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Gold Coast, Grenada, Leeward Islands, Federation of Malaya, Malta, Nigeria, Nyasaland, St. Helena, St. Vincent, Seychelles, Swaziland.

## 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 reserved: Belgian Congo and Ruanda-Urundi.

*France*. Ratification: 4 March 1929.  
No declaration.

*Italy*. Ratification: 10 October 1929.  
Applicable without modification: Trust Territory of Somaliland.

*Netherlands*. Ratification: 5 May 1948.  
No declaration.

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*Belgium.*

*Belgian Congo and Ruanda-Urundi.*

See under Convention No. 7.

*France.**Algeria.*

See under Convention No. 8.

*French Guinea.*

See under Convention No. 8.

*Guadeloupe.*

See under Convention No. 8.

*Martinique.*

See under Convention No. 8.

*Réunion.*

See under Convention No. 8.

*Netherlands.*

*Netherlands New Guinea.*

See under Convention No. 22.

*Surinam.*

The provisions of the Convention are fully applied and observed, but the relevant cases are so few that it has not been necessary to establish a special supervisory organisation. The Social Affairs Department is responsible for enforcement.

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

*France*: Cameroons, French Equatorial Africa, French Settlements in Oceania, French Somaliland, French West Africa, Madagascar, Morocco, New Caledonia, St. Pierre and Miquelon, Togoland.

*Italy*: Trust Territory of Somaliland.

*Netherlands*: Netherlands Antilles.

## 24. Sickness Insurance (Industry) Convention, 1927

*This Convention came into force on 15 July 1928*

*France.* Ratification: 17 May 1948.

Not applicable: French Guiana, Guadeloupe, Martinique, Réunion.

No declaration: all other non-metropolitan territories.

*United Kingdom.* Ratification: 20 February 1931.

Applicable *ipso iure* without modification<sup>1</sup>: Channel Islands and Isle of Man.

No declaration: all other non-metropolitan territories.

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

*France.*

*Algeria.*

Decisions of the Algerian Assembly, Nos. 49-045, 51-034, 52-041 and 54-034 respecting the sickness insurance scheme.

Order of 7 July 1950.

Order of 6 November 1954 to implement Decision No. 54-034.

Circular No. 88/SS of 12 April 1955.

The scope of the regulations has been extended to wage-earning domestic servants.

The above-mentioned circular provides that the insurance funds are authorised, in the absence of co-ordination measures between Morocco and Algeria, to pay for treatment given to insured persons living on the Algerian-Moroccan frontier who are domiciled in Algeria but find it advantageous to be treated by Moroccan practitioners.

To the extent that the terms on which they perform their work justify their inclusion in the scheme, members of the employer's family are brought within the Algerian social insurance scheme as wage earners.

Sickness insurance benefits are granted from the date of the first medical notification of the illness for a period of six months in respect of any one illness; the insurance covers medical, pharmaceutical, surgical and hospitalisation expenses, laboratory fees and costs of analyses, as well as reimbursement of expenditure on dental treatment and prosthesis, surgical appliances and spectacles and spa treatment in Algeria.

In 1954 the total number of wage earners in industry and commerce was 413,355; the amount paid out in cash benefits was 283,619,447 francs and the total cost of benefits in kind was 2,747,990,420 francs. During the same period the total resources of the social insurance systems amounted to 5,331,584,395 francs.

*French Guiana.*

See under *Guadeloupe*.

*French West Africa.*

General Order No. 396/IGTLS. AOF of 18 January 1955, to implement the legal provisions respecting medical and health services within undertakings.

General Order No. 397/IGTLS. AOF of 18 January 1955, to classify undertakings for the purpose of determining what minimum medical and health staff employers are to be compelled to provide.

General Order No. 398/IGTLS. AOF of 19 January 1955, to lay down the conditions governing the installation and stocking with medicines and dressings of sick rooms, first-aid posts and first-aid chests in the undertakings.

In each territory of the Federation four local orders were made, one setting time limits for the implementation of General Order No. 397 cited above, one laying down how the joint medical and health services for several establishments were to be set up and run, a third outlining the arrangements under which establishments with fewer than 1,000 workers might have recourse to the official medical centres or dispensaries to ensure that their workers would have a medical and health service, and a fourth to prescribe the layout of the registers of the daily medical examinations that are provided for in section 141 of the Act of 15 December 1952.

The supervision of the implementation of these provisions is the responsibility of the Inspectors of Labour and Social Legislation.

*Guadeloupe.*

Decree No. 55-244 of 10 February 1955 to issue public administrative regulations for the application of Act No. 54-806 of 13 August 1954 extending the social insurance scheme to the Departments of Guadeloupe, French Guiana, Martinique and Réunion and defining the insurance scheme for industrial accidents and occupational diseases in these Departments.

Decree of 20 May 1955 to amend the sickness insurance scheme.

The Act of 13 August 1954 laid down the principle of extending the provisions of the Ordinance of 19 October 1945 to the Departments concerned, subject to a number of exceptions provided by the Act in question.

The scope of the Act in regard to the persons covered is the same as the coverage of agricultural and industrial wage earners in metropolitan France; the risks covered are the same, subject to the public administrative regulations provided by section 31 of the Decree of 20 May 1955 mentioned above, which fix the conditions of application and adaptation of the Decree to the beneficiaries of the Act of 13 August 1954, with effect from 1 January 1957.

In order to be entitled to the benefits granted by sickness, maternity and survivors' insurance, the insured person must be able to prove that he has been gainfully employed for not less than 60 days during the six months preceding the date of the first medical notification of the sickness or pregnancy or the date of the accident. An insured woman must further be able to prove, in the event of maternity, that she has been enrolled as insured for ten months at the presumed date of confinement. In order to be entitled to invalidity insurance benefits, the insured person must have been registered as insured for not less than a year at the beginning of the calendar quarter in which the illness, accident or invalidity occurred; he must also be able to prove that he has been employed for not less than 120 days in that year, 60 days

of which must have been during the two calendar quarters preceding that of the first medical notification of the sickness, pregnancy or accident.

As a temporary measure, until it is possible to assess the results of the application of the scheme to the Overseas Departments, the daily benefit is granted from the tenth day of incapacity for work; for one and the same illness, the benefit may not be paid for longer than the period of six months following the first medical notification; in principle, the benefit is equal to half the daily basic wage.

The new legislative texts describe in detail the methods by which old-age insurance is introduced in the French Overseas Departments, the conditions for validating the contribution periods and the coefficients for the revision of pensions already awarded; a number of transitional measures also determine the conditions for entitlement to the aged wage earners' allowance.

The managing boards of the social security funds include representatives of agricultural and non-agricultural workers. It is provided that in the event of the contributions designed to cover the risks being insufficient, the general funds of each of the Departments shall be subsidised; the National Social Security Fund and the Central Agricultural Mutual Assistance Fund are empowered to cover any deficit which may remain in spite of the grant of such subsidies.

#### *Martinique.*

See under *Guadeloupe*.

#### *Réunion.*

See under *Guadeloupe*.

#### *St. Pierre and Miquelon.*

The sickness insurance scheme now in operation covers up to 80 per cent. of hospital and surgical costs incurred outside the territory and up to 80 per cent. of the fare of the sick person and, if a doctor certifies that the latter should be accompanied, of a second person as well; if the sick person lives outside the territory a daily maintenance allowance of 800 francs is payable.

#### *United Kingdom.*

##### *Barbados.*

The Government now has under active consideration the conclusions, mentioned in the report for 1953-54, of the expert who had undertaken on its behalf a survey into the possibility of instituting a scheme of social insurance.

##### *Cyprus.*

Further consideration of the proposed social insurance scheme was given during the year. The actuarial aspects of the scheme were studied by the United Kingdom Government Actuary's Department. A report containing estimates of the cost of benefits and administration, as well as of contributions required to meet these costs, was received in August and considered by the Government. It was later announced that, as the introduction of a scheme of social

insurance raised important questions of principle, the Government had decided to defer a decision in this matter until such time as a Constitution had been introduced and the opinion of the representatives of the people of Cyprus could be obtained on this proposal. In December it was announced in the House of Commons that if the introduction of a Constitution were to be unduly delayed, the Cyprus Government would reconsider the introduction of a scheme.

During the year under review the Government social insurance scheme covered 2,690 contributors having 5,970 dependants. The official resources of the scheme were £12,972. Benefits in cash amounted to £5,506, or an average of £2 0s. 8d. per insured person; benefits in kind amounted to £3,487, or an average cost of £1 5s. 8d. per insured person.

Representations have been received from workers' organisations urging the introduction of a comprehensive insurance scheme.

Trade union schemes under the aegis of the Pan-Cyprian Federation of Labour covered 8,400 contributors with about 21,000 dependants. The income amounted to £17,338. Payments in cash and other benefits amounted to £13,465, this sum including £434 paid in cash benefits, £1,440 in maternity grants, £6,348 in pharmaceutical products and £7,116 for medical treatment including operations.

##### *Gibraltar.*

The contributory scheme of social insurance to be brought into operation before the end of 1955 is not to provide for sickness benefit as originally envisaged. Most employed persons have some form of entitlement to paid sick leave from their employers and the Labour Advisory Board therefore did not press for the inclusion of sickness benefit when considering the draft of the Social Insurance Bill. When the scheme is actuarially reviewed in five years' time, the matter will be reconsidered.

##### *Guernsey (First Report).*

Contributory Pensions Law, 1935, as amended in 1937, 1938, 1939, 1943, 1945, 1947, 1949, 1953 and 1955.

Various Ordinances, issued from 1935 to 1955, relating to contributory pensions.

*Article 1 of the Convention.* The provisions of the Convention are to some extent applied by the Guernsey Contributory Pensions Law which provides for payment of benefits in respect of incapacity attributable to injury by accident, however and whensoever it occurs, on the Islands of Guernsey, Alderney, Herm and Jethou.

*Article 2.* The law applies to compulsory contributors, that is, persons employed under a contract of service or apprenticeship, whether express or implied, orally or in writing; and also to persons who have ceased being compulsory contributors but who have elected to become voluntary contributors. Employees whose usual earnings, exclusive of bonus, commission and overtime, exceed £8 per week are not covered under insurance. Persons below school-leaving age are also excluded, while benefits are not payable to persons who reach

the age of 70 before the risk occurs. Children of an employer are exempted if the parent guarantees that certain financial safeguards will be available to them in case of accident. The scheme also excludes Crown employees entitled to sick pay. Seamen and fishermen are normally covered if resident in Guernsey and employed on Guernsey-registered or owned vessels.

*Article 3.* Cash benefit is payable for an unlimited period to insured persons who are wholly incapacitated as the result of an accident. A partially incapacitated person may also draw benefit without limit as to duration if his post-accident earnings are less than pre-accident earnings; benefit is based on loss of earnings with the proviso that it cannot exceed the rate of benefit if incapacity was total. There is no qualifying or waiting period. Benefit is not payable to partially disabled persons who suffer no loss of earnings; it may be reduced or withheld altogether if a person is entitled to another benefit; and it is withheld from persons in hospital at the expense of the insurance scheme, although in this case a benefit is payable in respect of dependants. Refusal to undergo treatment or examination may result in suspension or reduction of benefit.

*Article 4.* The Insurance Authority must pay the fee for the first attendance by a doctor of an insured person injured by accident. It is also authorised at its discretion to pay for subsequent medical attendance, and to defray expenses of hospitalisation and other necessary treatment for workers whose capacity to work can be wholly or partially restored.

*Article 5.* Medical benefit is not granted to members of an insured person's family.

*Article 6.* The contributory pensions scheme is administered by the States Insurance Authority. It is stated that owing to the smallness of Guernsey the present form of administration is the only one suitable.

*Article 7.* For compulsory contributors the insurance contribution is divided as follows: insured person 7/19ths, employer 7/19ths and States of Guernsey 5/19ths; the total weekly contribution payable by the three parties is 3s. 2d. in respect of males and 1s. 7d. in respect of females. Voluntary contributors pay the full insurance contribution. The States of Guernsey also pay an annual deficiency grant, in addition to the insurance contribution.

*Article 9.* An insured person is entitled to appeal to the Royal Court of Guernsey over a dispute concerning his right to benefit.

A total of 18,098 persons were insured at 30 June 1954 under the Contributory Pensions Law. Cost of accident and medical benefits during the same year was £15,115 (17s. per insured person). For the contributory pensions scheme as a whole, the contributions of the employers, members and Government amounted respectively to £35,091, £48,850 and £24,383. In addition to their share of the insurance contributions, the States of Guernsey paid a grant amounting to £225,000.

#### *Hong Kong.*

During the period under review the Government established a large new health centre at Tsun Wan with an outpatients' dispensary. Twenty-two Chinese welfare associations have now established Chinese herbalist clinics; 11 of these associations have, in addition, clinics for western treatment.

#### *Jersey (First Report).*

Insular Insurance (Jersey) Law, 1950, as amended in 1952, 1953 and 1954.

Various Orders, issued from 1951 to 1954, relating to insular insurance.

*Article 1 of the Convention.* The above-mentioned legislation sets up a general scheme of social insurance under which, in return for regular and compulsory weekly contributions, cash benefits are provided during incapacity for work.

*Article 2.* Insurance against sickness is compulsory for persons between school-leaving age (15 years) and pensionable age (65 years for men and 60 for women) who are either employed or self-employed. No differentiation is made between manual or non-manual work, and gainfully occupied apprentices, outworkers and domestic servants are included. Employees working less than four hours a week for any one employer (eight hours in domestic service) who receive less than 20s. per week from such employer are excluded. Self-employed persons whose annual income does not exceed £104 may be excepted on request. For insured persons receiving no money wages the employer pays the contribution both of himself and the employee. Outworkers are insurable as self-employed persons if not employed under a contract of service. Payment of sickness benefit may continue beyond pensionable age for persons retired from regular employment, up to the age of 70 for men and 65 for women. No exceptions have been made by reason of a special scheme.

*Article 3.* An insured person who has paid 26 weekly contributions since entry into insurance, and who also has paid or been credited with 50 weekly contributions in the immediately preceding contribution year, may receive sickness benefit if he is incapable of work by reason of some specific disease or bodily or mental disablement. A reduced benefit is payable if from 26 to 49 weekly contributions have been paid or credited in the previous year. Sickness benefit is payable for up to 312 days (i.e. 52 weeks, Sunday not being treated as a day of incapacity for work). A person who has paid less than 156 weekly contributions and exhausts his right to benefit must pay 13 additional weekly contributions in order to requalify; as soon as a total of 156 contributions have been paid, however, the limit of duration for receipt of benefit is removed altogether. Sickness benefit is payable in respect of any day of incapacity for work which forms part of a period of interruption of employment.

Sickness benefit is reduced by the amount of any disablement benefit to which a recipient may be entitled. A person is disqualified for sickness benefit if incapacity is due to miscon-

duct, if he fails without good cause to submit himself to medical examination or medical treatment, or if he fails to follow certain rules of behaviour.

*Articles 4 and 5.* There is no scheme in force providing for free medical and hospital treatment. It is not anticipated that such legislation will be introduced in the near future.

*Article 6.* The scheme is administered by the Insular Insurance Committee in one central office in which 48 officers are employed. The insurance records of insured persons are maintained in a separate records section run by a staff of eight persons. It is considered more appropriate that the States should undertake administration instead of having a self-governing institution, in view of the small population of Jersey (about 58,000 persons).

*Article 7.* An insular insurance fund has been set up into which all contributions are paid and from which all benefits are paid. For employed persons, contributions are shared between the employer and employee, and a supplement is paid by the States. For self-employed persons, contributions are paid by the insured person and a supplement is similarly paid by the States. In addition to the supplement, the States also pay a certain sum known as the

States' contribution. Contributions are in the form of flat weekly amounts.

*Article 9.* Benefit claims are decided by insurance officers appointed by the Insular Insurance Committee. Claimants may appeal to the Committee from decisions of the officers. They may also appeal from decisions of the Committee to the Inferior Number of the Royal Court of Jersey.

It is estimated that 26,000 contributors were covered for sickness benefit at 4 September 1954, while expenditure on sickness benefit in the year ended on that date was £31,047, exclusive of administrative costs.

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

*France :* Cameroons, French Equatorial Africa, French Settlements in Oceania, French Somaliland, Madagascar, Morocco, New Caledonia, Togoland.

*United Kingdom :* Aden, Bahamas, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, Brunei, Dominica, Gold Coast, Grenada, Leeward Islands, Federation of Malaya, Malta, Nigeria, North Borneo, Nyasaland, St. Helena, St. Vincent, Sarawak, Seychelles, Swaziland.

## 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 : all other non-metropolitan territories.

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

*United Kingdom.*

*Barbados.*

See under Convention No. 24.

*Cyprus.*

Representations have been received from workers' organisations that any social insurance scheme to be introduced should also cover agricultural workers.

See also under Convention No. 24.

*Guernsey (First Report).*

See under Convention No. 24.

*Jersey (First Report).*

See under Convention No. 24.

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

*United Kingdom :* Aden, Bahamas, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, Brunei, Dominica, Gibraltar, Gold Coast, Grenada, Hong Kong, Leeward Islands, Federation of Malaya, Malta, Nigeria, North Borneo, Nyasaland, St. Helena, St. Vincent, Sarawak, Seychelles, Swaziland.

## 26. Minimum Wage-Fixing Machinery Convention, 1928

*This Convention came into force on 14 June 1930*

*Australia.* Ratification: 9 March 1931.  
Decision reserved: all non-metropolitan territories.

*Belgium.* Ratification: 11 August 1937.  
Applicable without modification: 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: Algeria, French Guiana, Guadeloupe, Martinique, Morocco, Réunion, Tunisia

*Italy.* Ratification: 9 September 1930.  
No declaration.

*Netherlands.* Ratification: 10 November 1936.  
No declaration.

*New Zealand.* Ratification: 29 March 1938.  
No declaration.

*Union of South Africa.* Ratification: 28 December 1932.  
Not applicable: 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: all other non-metropolitan territories.

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

### *Australia.*

#### *Nauru.*

During the period under review the minimum wage fixed applied to 280 Nauruan employees of the Administration. The minimum wage was observed by other employers in respect of 205 Nauruan employees. The report includes a detailed table showing margins for skill paid to various designations of indigenous employees. The female minimum wage was fixed at 70 per cent. of the male basic wage and for juniors the wage varied according to age. Free medical and dental attention was given to all the indigenous population whether or not employed, as well as to Chinese employees and their families.

#### *New Guinea.*

At 30 June 1955 a total of 71,075 Native workers were in employment in Papua and New Guinea.

#### *Norfolk Island.*

Most of the residents of this territory are self-employed and the number of employees is relatively small. It is considered that the present method of determining wages by negotiation between employers and workers is satisfactory having regard to the situation.

The Government states that this Convention is considered to be inapplicable to Norfolk Island.

#### *Papua.*

See under *New Guinea*.

### *Belgium.*

#### *Belgian Congo and Ruanda-Urundi.*

Act of 7 July 1955.

The above-mentioned Act provides for the application of the Convention in these territories.

### *France.*

#### *Algeria.*

Orders of 20 October 1954 and 14 April 1955 respecting the revalorisation of the lowest wages.

In 1954, according to a census carried out by the Labour Inspectorate, the number of undertakings subject to the regulations was 37,408. These undertakings employed 248,516 persons, of whom 193,359 were men, 30,576 were women and 24,581 were children and young persons.

In pursuance of the Order of 20 October 1954 the minimum individual hourly wage for workers in the non-agricultural sector was fixed at 74 francs for the whole of Algeria, at 82.50 francs in communes in which the guaranteed minimum wage rate was 74 francs, and at 91 francs in the communes in which the guaranteed minimum wage rate was 76 francs. The Order of 14 April 1955 fixed the rates for the standard hourly rate allowance as follows: 12.50 francs in communes in which the guaranteed minimum wage is 67 francs; 13.50 francs in communes in which it is 74 francs, and 18.50 francs in communes in which it is 77 francs.

During the period under review 1,600 contraventions were noted and proceedings were instituted in 600 cases.

#### *Cameroons.*

Order No. 5270 of 7 October 1954.

This Order fixes the guaranteed minimum wage for workers of either sex in all occupations, whatever the legal status of the workers may be, except those who are articulated to an employer as an apprentice.

Two collective agreements providing for different minimum wage scales for individual trades have entered into force.

It should be noted that other collective agreements are in preparation, including one for bank clerks and other agreements covering conditions of work on plantations and in industry.

#### *Comoro Islands (First Report).*

Act No. 52-1322 of 15 December 1952 to establish a Labour Code in the Territories and Overseas Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

Order No. 53-142/C of 8 July 1953, to set up a Central Advisory Board under the Territorial Inspector of Labour and Social Legislation.

Order No. 53-146/C of 9 July 1953 to set up joint advisory boards in each of the four divisions of the territory.

The functions of the central advisory board and the joint boards include the study of the factors on which minimum wage fixing could be based.

The boards consist of equal numbers of employers and workers appointed by the Governor



of the territory on the proposal of the labour inspector. The chairman in each case is the labour inspector of the territory.

The guaranteed minimum wage for all occupations is fixed in each of the four zones of the territory by an Order issued by the chief officer of the territory in question.

At its last meeting, held in January 1954, the Central Labour Advisory Board raised the minimum wage for all occupations by about 20 per cent., bringing the minimum hourly rate up to 10 francs in the first zone, 9 francs in the second, 8.25 francs in the third and 7.50 francs in the fourth.

According to the report, 7,000 labourers are covered by the minimum wage regulations.

#### *French Equatorial Africa.*

During the period covered by the report the labour inspection service discovered about 100 infringements of the regulations. The necessary steps were taken.

#### *French Guiana.*

For legislation see under *Guadeloupe*.

The Higher Committee for Collective Agreements is consulted when inter-occupational minimum wage rates are being fixed.

In agriculture, wages are fixed in such a way that for six jobs of eight hours each in agriculture the same wage is paid as for 40 hours worked in commerce and industry; the changes in the minimum rates are bound up with those made in metropolitan France; domestic staff is not included within the scope of the provisions relating to guaranteed inter-occupational minimum wages.

Piece-work wages are widely used, especially in agriculture, public works and lumbering.

#### *French West Africa.*

General Order No. 4060/SET of 28 May 1955.

This General Order ensures the determination of graded minimum wage rates either by joint committees set up by agreement between the parties under existing collective agreements or under conciliation and arbitration procedure as regards collective labour disputes.

#### *Guadeloupe.*

Decree No. 52-976 of 20 August 1952 to fix the conditions for the application of Act No. 52-834 of 18 July 1952.

Decree No. 55-871 of 30 June 1955 respecting the revalorisation of the lowest wages.

As from 1 July 1955 the guaranteed minimum wage is fixed in accordance with the above-mentioned legislative texts at 3,320 francs a week for 40 hours of actual work in occupations other than agricultural occupations, and for six jobs calculated on the basis of eight hours each in agricultural occupations; the individual wages cannot be lower than the aggregate rate of the above minimum wage and a flat-rate allowance of 325 C.F.A. francs for 40 hours' actual work in occupations other than agricultural occupations, and for six jobs calculated on the basis of seven-and-a-half hours' work each in agricultural occupations.

About 4,500 workers are employed in the manufacture of sugar and rum.

#### *Martinique.*

For legislation see under *Guadeloupe*.

In industry and commerce the minimum guaranteed wage, fixed at 95.50 francs per hour as from 22 March 1954, was raised to 101 francs per hour as from 24 January 1955 and to 194.60 francs per hour as from 1 July 1955; in agriculture it was raised from 84 to 87 francs.

#### *Morocco.*

Dahir of 20 December 1939 respecting the determination of wages of workers engaged in home work.

No salaried employee or wage earner may be paid less than the statutory minimum wage. The minimum jobbing rates for workers of either sex doing home work connected with the clothing industry are fixed by regional wage committees.

The minimum wage fixed by order of the Secretary-General of the Protectorate applies to all branches of industry and commerce. A minimum wage is also fixed for each category of worker employed on the construction of public works or buildings by the State, the municipalities, public establishments and undertakings running public services under concession or otherwise, or construction on behalf of such entities or undertakings. The minimum wages of homeworkers are fixed only for the clothing industry, and all homeworkers belong to this industry.

The statutory minimum wage is fixed after consultations with the employers' and workers' organisations. Jobbing rates must be such as to enable a worker of average ability to earn in eight hours as much as the minimum fixed by the regional wage committees. The membership of a wage committee includes employers' and workers' representatives in equal numbers. The committees ascertain the daily wage rates commonly paid in their particular areas to workers in the same trade and of average ability employed in a workshop by the hour or by the day, and fix minimum wages according to those figures.

Since 1 April 1955 the statutory minimum wage has ranged, according to the area, from 46 to 56 francs, the hourly wage has been 90 francs, the daily wage between 368 and 456 francs and the monthly wage between 9,570 and 11,840 francs.

Any worker who has received a wage lower than the statutory minimum may institute legal proceedings to recover the balance due to him.

The labour inspectors supervise the application of the regulations.

#### *Réunion.*

Decree No. 55-82 of 18 January 1955 respecting the revalorisation of the lowest wages in the Department of Réunion.

Decree No. 55-872 of 30 June 1955 respecting the revalorisation of the lowest wages in the Department of Réunion.

Wages in agriculture for six daily jobs of 7½ hours each, i.e. 45 hours of actual work, are 1,575 C.F.A. francs, which is equal to an hourly wage of 35 C.F.A. francs. In industry, commerce and the liberal professions, the minimum wage per hour is 39.40 francs.

The number of men and women employed in agriculture is respectively 46,000 and 9,000;

20,000 men and 5,000 women are employed in non-agricultural occupations; to these figures must be added 500 men and 14,500 women in domestic occupations.

A number of individual disputes on wages questions were reported.

#### *Togoland.*

Order No. 396-54/ITLS of 28 April 1954 to amend Order No. 613-53/IT of 24 August 1953 respecting overtime pay.

Order No. 405-55/ITLS of 20 April 1955 to alter the minimum inter-occupational guaranteed wage.

In accordance with the Order of 20 April 1955, the guaranteed inter-occupational hourly rates have been fixed for all non-agricultural undertakings at 20.75 francs in the first zone, 15.50 francs in the second and 11.50 francs in the third; for agricultural undertakings the rates are 18 francs, 13.50 francs and 10 francs respectively.

#### *Netherlands.*

##### *Netherlands Antilles.*

Statutory minimum wage rates for female shop workers have been renewed for the year 1955, and are rigidly enforced.

#### *Surinam.*

Wages in Surinam are fixed generally directly between the parties concerned. Large undertakings and public bodies have fixed scales of wages and salaries; it is not yet possible to fix minimum wages in respect of the numerous small and undeveloped undertakings. The local trade union is sometimes the intermediary for the fixing of wages, as is the Conciliation Board in cases in which it is empowered to operate in view of pending conflicts.

#### *New Zealand.*

##### *Western Samoa.*

It is anticipated that the provisions of the Convention will be taken into account in a proposed labour ordinance.

#### *United Kingdom.*

##### *Aden.*

It is proposed that representatives of employers' and workers' organisations be consulted before any change affecting their members is made in minimum wages. Inspections carried out in 1954 indicate that the provisions apply to 960 juveniles, 14,115 unskilled workers and 7,097 skilled workers.

#### *Barbados.*

Wages Board (Bridgetown Shop Assistants) (Amendment) Decisions, 1954.

No statistics are available as to the number of persons covered by Wages Board decisions. The 1954 decisions applying to shop assistants provide for minimum hourly rates of pay of 16 cents for persons under 16 years of age, 24 cents for females over 16 years and 36 cents for males over 16 years.

#### *Brunei.*

A Minimum Wage Bill to comply with the Convention is now being drafted.

#### *Cyprus.*

Considerable amounts due to employees protected by the Minimum Wage Law continue to be recovered through the intervention of labour inspectors without recourse to prosecution.

#### *Gibraltar.*

Omnibus Drivers and Conductors General Standard Order, 1954.

The above Order, issued in November 1954, prescribes minimum wage rates of 72s., 88s. and 110s. per week respectively for conductors, drivers and driver-conductors in respect of a 48-hour week of six days with predetermined rest day, and fixes other minimum conditions of employment of such workers. Some 9,700 persons out of 19,500 in insurable employment are covered by the minimum wage legislation.

#### *Gold Coast.*

Labour (Retail Trade Workers) (Minimum Remuneration) (Amendment) (No. 2) Order, 1954.

The above Order was made by the Minister responsible for labour questions under section 101 of the Labour Ordinance.

#### *Grenada.*

During the period under review an average of 5,920 agricultural workers were employed on holdings of ten acres and over (casual workers not included).

Government road workers are not covered by minimum wage legislation but, in keeping with its policy of establishing parity of wages between road and agricultural workers, the Government has from time to time paid to these workers the rates of wages applicable to agricultural workers.

#### *Guernsey (First Report).*

Industrial Disputes and Conditions of Employment (Guernsey) Law, 1947.

The Convention has not been implemented by legislation but in most trades and industries wage scales have been agreed upon by employers and trade unions. Under the Industrial Disputes and Conditions of Employment (Guernsey) Law, 1947, the terms of negotiated agreements and the awards of an industrial disputes tribunal become conditions of employment for the workers in the industry concerned.

#### *Hong Kong.*

The report refers to general economic conditions in Hong Kong, to an increase in the number of employed persons and to a fall in the cost-of-living index. No new minimum wages were fixed during the period under review.

#### *Jersey (First Report).*

The Convention has not been implemented by legislation but in most trades and industries wage scales have been agreed by the employers and trade unions.

#### *Malta.*

Public Transport Wages Council Wage Regulation Order No. 3 of 1954 (Government Notice No. 567 of 17 December 1954).

The above Order prescribes minimum hourly wage rates of 1s. 3d. for male employees and 1s. for female employees. During the period under review an additional wages council—the Private Schools Wages Council—was set up.

*Sarawak.*

Owing to the high demand for labour no legislation has in fact been necessary. The position is constantly kept under review and a draft Minimum Wage Fixing Bill to comply with the Convention is now being considered.

*Union of South Africa.*

*South-West Africa.*

The report states that, in deference to the suggestion made by the Committee of Experts in 1955, the Government is investigating the

practicability of making a declaration of application in respect of this Convention and will announce its decision in this connection at a later date.

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

*France:* French Settlements in Oceania, French Somaliland, Madagascar, New Caledonia, St. Pierre and Miquelon.

*Italy:* Trust Territory of Somaliland.

*New Zealand:* Cook Islands and Niue.

*United Kingdom:* Bahamas, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, Dominica, Leeward Islands, Federation of Malaya, Nigeria, North Borneo, Nyasaland, St. Helena, St. Vincent, Seychelles, Swaziland.

## 27. Marking of Weight (Packages Transported by Vessels) Convention, 1929

*This Convention came into force on 9 March 1932*

*Australia.* Ratification : 9 March 1931.  
Applicable without modification : non-metropolitan territories.

*Belgium.* Ratification : 6 June 1934.  
Applicable without modification : Belgian Congo and Ruanda-Urundi.

*Denmark.*<sup>1</sup> Ratification : 18 January 1933.  
Application without modification : Faroe Islands.  
Not applicable : Greenland.

*France.* Ratification : 29 July 1935.  
No declaration.

*Italy.* Ratification : 18 July 1933.  
No declaration.

*Japan.* Ratification : 16 March 1931.  
Applicable without modification : Pacific Islands (League of Nations mandate).

*Netherlands.* Ratification : 4 January 1933.  
No declaration.

*Portugal.* Ratification : 1 March 1932.  
Not applicable : all non-metropolitan territories.

*Union of South Africa.*<sup>1</sup> Ratification : 21 February 1933.  
No declaration.

*United Kingdom.*<sup>2</sup>  
No declaration : Channel Islands and Isle of Man.  
Decision reserved : all other non-metropolitan territories.

or loaded, have its weight plainly, visibly and durably marked upon it on the outside, and the indication of its weight shall not be more than 5 per cent. under its actual weight. The obligation to mark the weight falls on the person who sends the package or object on his own account or on the first person to receive objects coming from abroad.

The enforcement of the provisions on this question is entrusted to the Labour Inspectorate and the Mines Inspectorate.

During 1954 the engineer-inspectors of labour issued 18 summonses for contraventions.

*France.*

*French West Africa.*

The report states that there would be no drawback to extending the application of the Convention within the Federation.

*Italy.*

*Trust Territory of Somaliland.*

Royal Decree No. 154 of 26 January 1933, extended to Somaliland by Ministerial Decree of 22 May 1933.

The legislation cited above makes it compulsory for consignors or their representatives to mark the weight in a clear and durable manner on every package or object for transport by sea or inland waterway when such weight is 1,000 kilograms or more.

*Netherlands.*

*Netherlands New Guinea.*

Royal Decree No. 46 of 9 November 1938 (Netherlands East Indies Statute Book, 1938, No. 663).

Any package or object of 1,000 kilograms or more gross weight which is brought alongside the ship in which it will be transported must have its gross weight plainly and durably

<sup>1</sup> Conditional ratification.

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

*Belgium.*

*Belgian Congo and Ruanda-Urundi (First Report).*

Ordinance No. 23/256 of 25 August 1951 of the Governor-General of the Belgian Congo, respecting the marking of the weight on heavy packages transported by sea, inland waterway, rail or road.

Ordinance No. 21/60 of 7 April 1954 to apply the above-mentioned Ordinance to the territory of Ruanda-Urundi.

*Article 1 of the Convention.* Any package or object of 1,000 kilograms gross weight consigned for transport by sea, inland waterway, rail or road shall, before being put on board

marked on the outside before it is loaded on the ship.

The obligation to see that this requirement is observed rests with the chief or manager of the transport undertaking concerned.

The supervision of the observance of this regulation has been entrusted to the Service for Import and Export Duties and Excise Duties.

#### *Surinam.*

The report states that the legal provisions are in conformity with the requirements of the Convention; the Labour Inspectorate is responsible for enforcement.

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

*Australia*: Nauru, New Guinea, Norfolk Island, Papua.

*France*: Algeria, Cameroons, French Equatorial Africa, French Guiana, French Settlements in Oceania, French Somaliland, Guadeloupe, Madagascar, Morocco, New Caledonia, Réunion, St. Pierre and Miquelon, Togoland.

*Netherlands*: Netherlands Antilles.

*Portugal*: Angola, Cape Verde, Portuguese Indies, S. Tomé and Príncipe.

## 29. Forced Labour Convention, 1930

*This Convention came into force on 1 May 1932*

*Australia*. Ratification: 2 January 1932.  
Applicable without modification: all non-metropolitan territories.

*Belgium*. Ratification: 20 January 1944.  
Applicable with modification: Belgian Congo and Ruanda-Urundi.

*Denmark*. Ratification: 11 February 1932.  
Applicable without modification: Faroe Islands and Greenland.

*France*. Ratification: 24 June 1937.  
Decision reserved: Morocco, Tunisia.  
Applicable without modification<sup>1</sup>: all other non-metropolitan territories.

*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: all other 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.*

#### *Papua.*

*Article 12 of the Convention*. The use of compulsion is so rare as to be almost non-existent. Regulation No. 127 (8) of the Native Regulations of Papua requires that every officer of the administration employing any persons under the provisions of Regulation No. 127 shall furnish forthwith a full report to the officer in charge of the district.

*Article 16*. If this Regulation was repealed the effect would be to remove the existing protective sanction, and it is not considered appropriate that this action should be taken.

*Article 19*. The notice by which compulsory

planting was introduced in Wedau Village on the ground that the area of land under cultivation was insufficient was still in force on 30 June 1955 and is liable to continue in force for some little further time. The situation is being watched very closely.

#### *Belgium.*

#### *Belgian Congo and Ruanda-Urundi.*

Decree of 30 June 1954 to amend the Decree of 1 August 1949 respecting compensation for employment injuries to indigenous workers.

The plan referred to in the annual report for 1952, respecting the abolition of all compulsory unpaid labour other than work for the purposes of training, has not yet been adopted. It can be anticipated that the proposed arrangements will shortly enter into force.

*Article 10 of the Convention*. The number of taxpayers from whom forced labour was exacted in 1954 was 5,623, out of a total of 2,986,888, i.e. 1.8 per cent.

#### *France.*

#### *Comoro Islands (First Report).*

Act No. 52-1322 of 15 December 1952 to establish a Labour Code in the Territories and Overseas Territories under the Ministry for Overseas France (sections 2 and 228 (a)) (L.S. 1952—Fr. 5).

No implementation orders or administrative regulations have been issued in this connection, as the need for them has not been felt.

The public authorities have no knowledge of any cases of forced labour as defined in the Convention, or of any other sort.

#### *French Equatorial Africa.*

*Article 2 of the Convention*. In French Equatorial Africa a General Order No. 2772 of 18 August 1955 was issued respecting labour exacted from individuals as the consequence of a conviction in a court of law.

No other form of compulsory service within the meaning of the exceptions listed in paragraph 2 of the said Article has been encountered in French Equatorial Africa.

*Réunion.*

The Labour Inspector of Réunion is still the Protector of Immigrants. All the metropolitan labour legislation applies to immigrants.

*Togoland.*

Section 2 of the Labour Code, which prohibits forced or compulsory labour, is strictly enforced. The only persons who may be forced to work are those who come within the provisions of paragraph 2 (c) of Article 2 of the Convention, that is to say, persons convicted by a court of law. Women convicts may only be employed inside penal establishments and for maintenance tasks. Since Order No. 908-49/APA of 12 November 1949 was issued, this type of labour may no longer be made available to private persons, companies or private associations. In the event of such persons being employed to carry out public works of benefit to the community, the work is carried out under the supervision and inspection of government officials.

*Netherlands.**Netherlands New Guinea.*

Regulations of the Administration of Netherlands New Guinea, section 3 (Statute Book 1950 and 1955).

Under the above-mentioned section slavery may not be practised in New Guinea and the exaction of forced or compulsory labour as defined in the Convention is not permitted.

The nature and duration of the kind of forced or compulsory labour the exclusion of which is provided for by the definition in Article 2 of the Convention, and the conditions under which and the ways in which such work is exacted, are, except for minor village works, covered by ordinances which take into account existing customs, institutions and needs. The labour inspectors and the local and regional officials are responsible for supervising the application of the regulations.

*New Zealand.**Tokelau Islands.*

The report states that the question of extending the application of the Convention to the Tokelau Islands is now under consideration.

*United Kingdom.**Bechuanaland.*

*Article 11 of the Convention.* The request made by the Committee has been noted.

With regard to the age limit of 18 to 45 years it should be noted that, in the absence of any system of registration of African births, it is impossible to say exactly when an African reaches these ages. The Native authorities may issue orders under section 5 of Cap. 56 of the Laws, requiring able-bodied members of age regiments to work on any public or relief works or in other such employment. It is possible, therefore, that some Africans slightly under 18 or slightly over 45 years might be called upon to comply with the order of a Native authority as members of an age regiment, which covers the span of more than one year.

With regard to medical examination, every effort is being made to expand all medical services within the territory as far as the limited funds available permit.

*British Honduras.*

It has been decided that, notwithstanding the non-existence of forced or compulsory labour in British Honduras, legislation to apply the Convention is desirable. An ordinance was in preparation at the end of the period under review.

*Guernsey (First Report).*

There is no forced labour in Guernsey within the terms of the Convention and accordingly there is nothing to report.

*Jersey (First Report).*

See under *Guernsey*.

*Federation of Malaya.*

The New Employment Ordinance No. 38 of 1955 was not in force at 30 June 1955. Opportunity has been taken, however, to ensure that the offending sections in the former enactments were repealed.

The report reproduces the section of the New Ordinance which follows the wording of Article 3 of Convention No. 1.

*Nigeria.*

The Government of the Western Region has conferred powers on local government councils to exact communal labour. These powers were formerly vested in the Native authorities by section 120 of the Labour Code Ordinance.

*Nyasaland.*

Federal Defence (Provisional) Act, 1954.

The obligation to perform a short period of military service is imposed only on European and Asian residents.

*Seychelles.*

Ordinance No. 1 of 1955.

Steps have been taken by the enactment of the Food Production (Repeal) Ordinance No. 1 of 1955 to repeal the Food Production Ordinance No. 18 of 1945, which provided for the possibility of imposing compulsory cultivation of crops.

*Sudan (Voluntary Report).<sup>1</sup>*

*Articles 4 and 25 of the Convention.* Only one case of illegal imposition of compulsory labour (in one of the provinces of central Sudan) was reported during the past year. The culprit was sentenced under section 311 of the Sudan Penal Code to a penalty of two months' imprisonment and a fine of £20.

*Article 13.* It has not been possible to obtain any information with regard to the enforcement of this Article of the Convention.

<sup>1</sup> The Sudan attained independence on 1 January 1956.

*Article 16.* During the past year no transfers of labour from one district to another have been reported.

The Civil Secretary of the Sudan Government stated in a letter in 1932 that despite the absence of any provision in the Convention under which the Sudan Government could act in the capacity of a contracting party, the Government nevertheless agreed voluntarily to submit an annual report on the action taken to enforce the provisions of the Forced Labour Convention.

Since that date the Government has always made strenuous efforts to abolish labour of this kind, and it may be said that such labour is no longer resorted to except in the remote frontier regions in southern Sudan. This is due to the fact that those regions are somewhat backward by comparison with the centre and north of the Sudan; they are less civilised, their inhabitants are still living in a subsistence economy and until very recent times they had no awareness of the value of money. However, at the present time the idea of working to earn a wage has become more familiar and compulsory labour is rapidly dying out.

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

*Australia*: Nauru, New Guinea, Norfolk Island.

*Denmark*: Faroe Islands, Greenland.

*France*: Algeria, Cameroons, French Guiana, French Settlements in Oceania, French Somaliland, French West Africa, Guadeloupe, Madagascar, Martinique, Morocco, New Caledonia, St. Pierre and Miquelon.

*Italy*: Trust Territory of Somaliland.

*New Zealand*: Cook Islands and Niue, Western Samoa.

*Netherlands*: Netherlands Antilles, Surinam.

*United Kingdom*: Aden, Bahamas, Barbados, Basutoland, Bermuda, British Guiana, British Somaliland, Brunei, Cyprus, Dominica, Gibraltar, Gold Coast, Grenada, Hong Kong, Leeward Islands, Malta, North Borneo, St. Helena, St. Vincent, Sarawak, Southern Rhodesia, Swaziland.

### 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.

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*New Zealand.*

*Cook Islands and Niue.*

See under Convention No. 1.

*Western Samoa.*

See under Convention No. 1.

### 32. Protection against Accidents (Dockers) Convention (Revised), 1932 <sup>1</sup>

*This Convention came into force on 30 October 1934*

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*Belgium.* Ratification: 2 July 1952.  
Not applicable: Belgian Congo and Ruanda-Urundi.

*France.* Ratification: 27 May 1955.  
No declaration.

*Italy.* Ratification: 30 October 1933.  
No declaration.

*New Zealand.* Ratification: 29 March 1938.  
No declaration.

*United Kingdom.* Ratification: 10 January 1935.  
Applicable *ipso jure* without modification <sup>2</sup>: Channel Islands and Isle of Man.  
No declaration: all other non-metropolitan territories.

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<sup>1</sup> This Convention revises the 1929 Convention.  
<sup>2</sup> See footnote 1 to Convention No. 2.

*Belgium.*

*Belgian Congo and Ruanda-Urundi.*

The legislation makes no distinctions between the various categories of workers. The general protection afforded applies to dockers in the same way as to other workers.

The preventive measures provided for in great detail in the Convention do not appear in the text applicable to non-metropolitan territories.

Social legislation can only be elaborated in a comprehensive and scientific manner by imposing general protective measures covering all workers, to be followed by measures applying exclusively to certain categories of those workers.

*New Zealand.*

*Western Samoa.*

The small number of dockworkers and the intermittent nature of their work do not yet warrant the introduction of special measures to

enable the Convention to be extended to the territory.

*United Kingdom.*

*Basutoland.*

See under Convention No. 7.

*Bechuanaland.*

See under Convention No. 7.

*Gibraltar.*

During 1954, 15 accidents involving absence from work for more than three days were reported as having been sustained by dockworkers. A Factories Ordinance is in preparation and it is envisaged that, eventually, dock regulations will be made thereunder. The number of workers who would be covered by such regulations is approximately 500.

*Guernsey (First Report).*

Health, Safety and Welfare of Employees Law, 1950.

Safety of Employees (Miscellaneous Provisions) Ordinance, 1952.

Explosives (Guernsey) Laws, 1905-51.

Law of 1924 relating to mineral oils or essences or other substances of the same nature.

The report lists the relevant legislation and states that the responsibility for complying with the provisions of the Safety of Employees (Miscellaneous Provisions) Ordinance, 1952, is placed on employers and employees. An inspector is appointed for the purpose of supervision. No copy of the list of the Ordinance is posted up at the harbours. Observance of the Convention is achieved through the legislation mentioned above.

*Hong Kong.*

It is estimated that during the period under review some 2,900 workers were employed each day by wharf and stevedoring companies and 1,500 others as casual waterfront workers. During the same period 399 ships totalling over 993,000 tons were cleared. There were 40 accidents (two of which were fatal) on ships working at buoys where ships' gear was used, and

29 on wharves where wharf company gear was used.

*Jersey (First Report).*

The report stresses the fact that Jersey has no docks within the usual meaning of the word. There is one main port only, the maximum tonnage of the vessels using the port does not exceed 3,000 tons and the amount of loading and unloading of ships is comparatively small.

Up to the present time no legislation has been enacted to implement the terms of the Convention. At present there is a Bill under consideration designed to safeguard the health and safety of all workers in employment, under which regulations could be made for the protection of dockers.

With regard to the practical application of the Convention, certain routine inspections of cranes are carried out by the Harbour and Airport Committee of the States of Jersey, which from time to time gives directions concerning chains and wire ropes of cranes, and safe working loads.

*Leeward Islands.*

During the year under review one case of permanent partial disablement occurred in St. Kitts on the waterfront, in the process of unloading steel girders from a barge near the shore.

*Sarawak.*

There is as yet no statutory provision for the enforcement of this Convention.

*Southern Rhodesia.*

See under Convention No. 7.

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

*Italy:* Trust Territory of Somaliland.

*New Zealand:* Cook Islands and Niue.

*United Kingdom:* Aden, Bahamas, Barbados, Bermuda, British Guiana, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Gold Coast, Grenada, Federation of Malaya, Malta, Nigeria, North Borneo, Nyasaland, St. Helena, St. Vincent, Seychelles, Swaziland.

### 33. Minimum Age (Non-Industrial Employment) Convention, 1932 <sup>1</sup>

*This Convention came into force on 6 June 1935*

*Belgium.* Ratification: 6 June 1934.  
Decision reserved: Belgian Congo and Ruanda-Urundi.

*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: Algeria, French Guiana, Guadeloupe, Martinique, Morocco, Réunion, Tunisia.

*Netherlands.* Ratification: 12 July 1935.  
No declaration.

*France.*

*Algeria.*

During the period under review 46 conventions were reported and proceedings were instituted in 22 cases.

*Cameroons.*

See under Convention No. 5.

*Comoro Islands (First Report).*

Act No. 52-1322 of 15 December 1952, to establish a Labour Code in the Territories and Overseas Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

<sup>1</sup> This Convention was revised in 1937.

Order No. 55-40/IT regarding exceptions to the age for admission of children to employment.

Section 118 of the Labour Code provides that children may not be employed in any undertaking, even as apprentices, under 14 years of age, save where exceptions are authorised by an order made by the chief officer of the territory after consulting the Advisory Labour Board, with due regard to local circumstances and the jobs which the children may be required to do.

The chief officer of the territory specifies by order the types of work and the categories of undertakings on and in which young persons may not be employed, and the age up to which the prohibition applies.

The general principle fixes the age for admission of children to employment of all kinds at 14 years. The exception which lowers this age to 12 years is only permissible in agriculture and domestic service and for light work. In any case it cannot affect the provisions with regard to compulsory school attendance. It may only be used outside the centres where primary education is usually provided except by authorisation—which may be revoked—granted by the labour inspector in individual cases.

The Inspector of Labour and Social Legislation is responsible for the supervision of the application of the legislative provisions, and records contraventions in official reports. He may order to be medically examined any child who appears to him to be employed on work beyond his apparent strength.

A large number of children are employed on light work in agriculture, but it is difficult to make even an approximate estimate of their number, seeing that their work is intermittent. When medical cards are kept it will be possible to supervise more effectively the regulations with regard to the age for admission to employment.

#### *French Equatorial Africa.*

See under Convention No. 5.

#### *French Somaliland.*

Order No. 786 of 17 June 1955 to apply section 118 of the Overseas Labour Code.

Children over 14 and under 18 years of age may not be employed on work beyond their strength, involving danger or likely to be prejudicial to their morals by reason of its nature or the conditions in which it is performed. The Order of 17 June 1955 defines the conditions and limitations of the jobs that children may be given.

#### *French West Africa.*

To implement section 118 of the Overseas Labour Code a local Order respecting the employment of children was issued in each of the territories of the group at the end of June or the beginning of July 1954.

The Order provides that in undertakings of all kinds, whether agricultural, commercial or industrial, public or private, secular or religious, even when the establishments are designed for vocational education or are charitable organisations, and including family undertakings or undertakings carried on in private houses, children of either sex under 18 years of age may not be employed on work which is beyond their strength, which is dangerous or which by its nature and the conditions under which it is carried on may possibly injure their moral welfare.

The Order also gives a list of the non-industrial work which is prohibited for young persons between 16 and 18 years of age.

#### *Togoland.*

The report states that the school attendance of children who have not yet reached the age for admission to industrial and non-industrial employment is steadily increasing. There are a very large number of schools in the territory.

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

*Belgium*: Belgian Congo, Ruanda-Urundi.

*France*: French Guiana, French Settlements in Oceania, Guadeloupe, Madagascar, Martinique, Morocco, New Caledonia, Réunion, St. Pierre and Miquelon.

### 35. Old-Age Insurance (Industry, etc.) Convention, 1933

*This Convention came into force on 18 July 1937*

*France.* Ratification: 23 August 1939.  
No declaration.

*Italy.* Ratification: 22 October 1947.  
No declaration.

*United Kingdom.* Ratification: 18 July 1936.  
Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands and Isle of Man.  
No declaration: all other non-metropolitan territories.

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

#### *France.*

#### *Algeria.*

Orders of 13 February 1954, 22 May 1955 and 22 July 1955 to establish regulations for the

implementation of Decision No. 53-020 of the Algerian Assembly.

Decision No. 54-034 of the Algerian Assembly, applied by Order of 21 August 1954.

The report states that domestic workers are entitled to belong to the social insurance systems in the non-agricultural sector and also to the old-age insurance scheme.

There are special systems for metropolitan France which are applicable in Algeria, as well as special and private schemes. A list of these schemes is given in the report.

Old-age insurance contributions, which were fixed from 1 April 1954 onwards at 0.5 per cent. of wages, one-half of which is payable by the employer and one-half by the wage earner,



up to a maximum wage equivalent to 38,000 francs per month, have been increased to 1 per cent. as from 1 January 1955.

Insured persons and their next of kin who contest the decisions of the Algerian Old-Age Insurance Fund must bring their claims before the Appeals Committee set up in that body and, in the event of their appeal being rejected, they may take the matter to the competent court.

Foreign wage earners and their next of kin residing in Algeria are eligible for old-age insurance on the same basis as nationals. In respect of persons resident abroad, the conditions upon which social security conventions concluded between France and the country of origin of the persons concerned may be applied to Algeria are to be dealt with by administrative arrangements which are at present under consideration.

The spouse is deemed to be a dependant only if his or her personal means, when increased by a sum equal to one-half of the aged wage earners' allowance (that is to say, at present half of 59,400 francs), do not exceed 157,500 francs a year.

In 1954 the total number of insured persons was 405,139; at the beginning of the previous period the number of pensioners was 208; the number of pensions maturing was 5,142. Expenditure amounted to 430,600,832 francs in respect of old-age pensions and 313,384,871 francs in respect of aged wage earners' allowances. The administrative costs amounted to 39,437,597 francs and a figure of 50 million francs was placed to reserve. The total revenue from old-age insurance contributions was 309,530,399 francs.

#### *French Equatorial Africa.*

The possibility is being explored of setting up a voluntary old-age insurance scheme for non-established civil servants.

#### *French Guiana.*

See under Convention No. 24, *Guadeloupe*, penultimate paragraph.

#### *Guadeloupe.*

See under Convention No. 24, penultimate paragraph.

#### *Martinique.*

See under Convention No. 24, *Guadeloupe*, penultimate paragraph.

#### *Réunion.*

See under Convention No. 24, *Guadeloupe*, penultimate paragraph.

#### *United Kingdom.*

#### *Barbados.*

See under Convention No. 24.

#### *British Guiana.*

The Government has accepted in principle recommendations, deriving from an expert survey of social security possibilities, for the establishment of a contributory provident fund for old age and invalidity in respect of all classes of employees, to be administered by and at the expense of the Government.

#### *Brunei.*

Although the Government feels that the degree of economic and social development does not admit of the Convention being applied, it has nevertheless introduced with effect from 1 January 1955 a non-contributory pension scheme for all persons over the age of 65 years.

#### *Cyprus.*

See under Convention No. 24.

#### *Gibraltar.*

A new scale of rates of financial assistance to persons who, pending the coming into force of a contributory scheme, would otherwise be eligible for old-age pensions, has been adopted and the qualifying age for unemployed women reduced from 65 to 60. During the period under review 430 persons received assistance under this scheme, the total expenditure involved being £27,440.

#### *Guernsey (First Report).*

Contributory Pensions Law, 1935, as amended in 1937, 1938, 1939, 1943, 1945, 1947, 1949, 1953 and 1955.

Various Ordinances, issued from 1935 to 1955, relating to contributory pensions.

*Article 2 of the Convention.* The legislation mentioned above applies in general to persons employed under a contract of service or apprenticeship, whether express or implied, orally or in writing. There are no separate arrangements for workers in one industry or occupation as opposed to another. Workers whose usual earnings, exclusive of bonus, commission and overtime, exceed £8 per week are not covered under insurance. Persons below school-leaving age are also excluded, but there is no maximum age limit for entry into insurance. Children of an employer are exempt if the parent guarantees that certain financial safeguards will be available to them. The scheme also excludes Crown employees entitled to a superannuation allowance.

*Article 3.* Persons ceasing to be compulsorily insured before the age of 70 may elect, within three months after compulsory insurance ends, to become voluntary contributors. All arrears of contributions for the interim period must be paid at the voluntary rate at the time of election.

*Article 4.* The age of entitlement to pension is 70 for both men and women.

*Article 5.* There is no qualifying period, but to obtain a full pension the average number of weekly contributions paid or deemed to have been paid per year throughout the period from the age of 50 to the age of 70 must be at least 50 weeks. If the contribution average falls below 25 weeks, no pension is payable.

*Article 6.* A person ceasing insurance before the age of 50 and not becoming a voluntary contributor loses all effective right to the contributions credited to him. If he ceases insurance after the age of 50 and does not become a voluntary contributor, contributions credited after the age of 50 remain valid for purposes of assessment of the pension but only if the

person is again insured on attaining the age of 70.

*Article 7.* Old-age pensions are a fixed sum not dependent on time spent in insurance. The standard rate of pension for an insured person is 26s. per week, and for a wife aged 70 or over of an insured person 16s. per week. Payment is made at a reduced rate if the yearly average of weekly contributions credited is from 49 down to 25.

*Article 8.* Amounts fraudulently obtained may be recovered by deduction from the pension, though the right to a future pension is not forfeited by reason of fraud. A person is disqualified from receiving an old-age pension while being maintained or detained in a public institution. Two cash benefits may not be drawn concurrently, the most beneficial of the two being paid.

*Article 9.* It is not possible to give the amount of contributions attributable to old-age pensions alone. The total weekly contribution to the contributory pensions scheme for male contributors is 3s. 2d., and this is borne in the ratio of 7/19ths by the compulsory contributor, 7/19ths by the employer, and 5/19ths by the States of Guernsey. The rate for women is half that for men. Voluntary contributors pay the full contribution of 3s. 2d. for men and 1s. 7d. for women. The States of Guernsey also make an annual grant, which amounted to £225,000 in the last financial year.

*Article 10.* The scheme is administered by the States of Guernsey, through the States Insurance Authority. Insurance funds are administered separately from public funds.

*Article 11.* Insured persons may appeal to the Royal Court of Guernsey against decisions of the States Insurance Authority in disputes concerning benefits.

*Article 12.* Foreign employed persons are treated in the same way as British subjects.

*Article 13.* The insurance of employed persons in Guernsey is governed by a uniform law applicable at their place of employment.

There were 18,098 persons insured at 30 June 1954. As of the same date, there were 1,449 old-age pensioners and 423 non-contributory old-age pensions in payment. Expenditure on account of old-age pensioners during the year ended 30 June 1954 was £83,000. For total contribution receipts see under Convention No. 24.

*Jersey (First Report).*

For legislation see under Convention No. 24.

*Article 1 of the Convention.* The report states that legislation makes provision for compulsory insurance in old age which is at least equivalent to the requirements of the Convention.

*Article 2.* All persons over school-leaving age, whatever their occupation or even if they have no occupation, are compulsorily insurable for the purposes of retirement pensions. Persons who are in receipt of social insurance pensions or benefit are not required to contri-

bute. Apart from this, the only exceptions from liability to pay contributions are for self-employed or non-employed persons whose income does not exceed £104 a year and who apply for such exception, and for married women. The latter are normally covered by their husband's insurance but if on marriage they choose to continue the payment of contributions they are allowed to do so.

*Article 3.* Rights of an insured person are automatically maintained within the meaning of this Article even if payment of contributions ceases.

*Article 4.* The normal age at which a man can qualify for retirement pension is 65 years, and that for a woman is 60 years. Payment of a pension at these ages is subject to retirement from paid employment. This condition applies up to the age of 70 years for men and 65 for women, whereupon persons are deemed to have retired even if they are still working.

*Article 5.* The right to a retirement pension is conditional upon payment of at least 156 weekly contributions and a yearly average of 50 contributions paid or credited. If the yearly average of contributions is between 13 and 49 weeks, a reduced rate of pension is payable. Persons who were new entrants into insurance on 10 September 1951, and who were then within ten years of pensionable age cannot qualify for a pension, however, until they have completed a period of ten years of insurance.

*Article 6.* A person who has once been insured does not lose his right to benefit in respect of contributions he has paid, provided the normal qualification conditions are satisfied, because, even if payment of contributions ceases, he remains in insurance all his life.

*Article 7.* Retirement pensions are a fixed sum not dependent on time spent in insurance. The standard rate of pension is 26s. per week, plus 16s. for a dependent wife under 60, 10s. 6d. for the first or only child, and 2s. 6d. for each additional child. A married woman over 60 receives 16s. weekly on her husband's insurance record. The pension of an employee who postpones retirement beyond normal pensionable age is increased by 1s. for every 25 contributions he pays after attaining such age.

*Article 8.* Recovery of amounts obtained fraudulently may be made by deduction from the pension, but the right to future benefit is not thereby forfeited. Men under 70 and women under 65 have their pensions reduced in respect of earnings in employment of over 40s. per week. Beneficiaries without dependants have their pension reduced while receiving free in-patient treatment in a hospital. Pensions may also be reduced where some other insurance benefit is also payable.

*Article 9.* See under Convention No. 24, Article 7.

*Article 10.* See under Convention No. 24, Article 6.

*Article 11.* With certain exceptions, all questions arising from claims for benefit are in the

first instance decided by insurance officers appointed by the Insular Insurance Committee. Appeals may be taken to the Inferior Number of the Royal Court.

*Article 12.* Foreign employed persons are treated in the same way as nationals.

*Federation of Malaya.*

Employees Provident Fund (Amendment) Ordinance No. 18 of 1954.

The above Ordinance is designed to clarify certain points of detail in the principal Ordinance and to define clearly the relationship between the national scheme and approved private schemes. At the end of 1954 the total number of registered contributors was 731,425; the total amount withdrawn was \$1,934,606; and total receipts were \$54,805,606.

Consideration is being given to extending the

scheme to cover additional categories of workers. The figures given above apply to all categories of workers at present covered, including agricultural workers.

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

*France:* Cameroons, French Settlements in Oceania, French Somaliland, French West Africa, Madagascar, Morocco, New Caledonia, St. Pierre and Miquelon, Togoland.

*Italy:* Trust Territory of Somaliland.

*United Kingdom:* Aden, Bahamas, Basutoland, Bechuanaland, Bermuda, British Honduras, British Somaliland, Dominica, Gold Coast, Grenada, Hong Kong, Leeward Islands, Malta, Nigeria, North Borneo, Nyasaland, St. Helena, St. Vincent, Sarawak, Seychelles, Swaziland.

### 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.

*Italy.* Ratification : 22 October 1947.  
No declaration.

*United Kingdom.* Ratification : 18 July 1936.  
Applicable *ipso jure* without modification<sup>1</sup> : Channel Islands and Isle of Man.  
No declaration : all other non-metropolitan territories.

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

*France.*

*Algeria.*

Decision No. 54-035 of the Algerian Assembly, to increase the allowances to aged agricultural wage-earning workers, applied by Order of 22 August 1954.

Order of 12 November 1954 to amend the Order of 7 July 1952.

In order to be eligible for the allowance prior to 31 December 1952 the wage earner is required to have been registered for at least the previous six months; with effect from 1 January 1953, this period is increased by the accruing interval until a period of 15 years is reached. As from 1 July 1954 the full allowance is payable only if the worker's total means do not exceed 110,000 francs per year or, where the beneficiary is married, if the combined means of husband and wife do not exceed 140,000 francs per year.

The amount of the allowance was fixed at 54,000 francs per year with effect from 1 July 1954.

Disputes other than those relating to the condition of the sick person, to technical supervision and to the elections to the boards of directors of the agricultural mutual social insurance funds, which arise out of decisions taken by one of these funds, must be submitted to an appeals board composed of two employers and two wage-earning workers on the board of directors before any tribunal proceedings are instituted. The report describes the judicial procedure followed.

On 30 June 1954 there were 162,400 persons insured under agricultural social insurance and 1,124 pensioners; the total expenditure was shown as 40,090,536 francs. On 30 June 1955 the number of insured persons in agriculture had risen to 200,302 and that of pensioners to 1,642, total expenditure being 88,258,392 francs.

*French Guiana.*

See under Convention No. 24, *Guadeloupe*, last two paragraphs.

*Guadeloupe.*

See under Convention No. 24, last two paragraphs.

*Martinique.*

See under Convention No. 24, *Guadeloupe*, last two paragraphs.

*Réunion.*

See under Convention No. 24, *Guadeloupe*, last two paragraphs.

*Togoland.*

Order No. 445-55/ITLS of 27 April 1955.

The above-mentioned Order created a superannuation payment for single wage earners in the Agricultural Department for the benefit of permanent officials of the Administration with more than 20 years' service to their credit.

*United Kingdom.*

*Barbados.*

See under Convention No. 24.

*British Guiana.*

See under Convention No. 35.

*Brunei.*

See under Convention No. 35.

*Cyprus.*

See under Convention No. 24.

*Guernsey (First Report).*

See under Convention No. 35.

*Jersey (First Report).*

See under Convention No. 35.

*Federation of Malaya.*

See under Convention No. 35.

The reports from the following countries either

reproduce or refer to the information previously supplied :

*France* : Cameroons, French Equatorial Africa, French Settlements in Oceania, French Somaliland, French West Africa, Madagascar, Morocco, New Caledonia, St. Pierre and Miquelon.

*Italy* : Trust Territory of Somaliland.

*United Kingdom* : Aden, Bahamas, Basutoland, Bechuanaland, Bermuda, British Honduras, British Somaliland, Dominica, Gibraltar, Gold Coast, Grenada, Hong Kong, Leeward Islands, Malta, Nigeria, North Borneo, Nyasaland, St. Helena, St. Vincent, Sarawak, Seychelles, Swaziland.

## 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.

*Italy.* Ratification : 22 October 1947.  
No declaration.

*United Kingdom.* Ratification : 18 July 1936.  
Applicable *ipso jure* without modification<sup>1</sup> : Channel Islands and Isle of Man.  
No declaration : all other non-metropolitan territories.

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

*France.**Algeria.*

Decision No. 54-034 of the Algerian Assembly.  
Order of 6 November 1954 to implement the above-mentioned Decision.

The scope of the regulations has been extended to cover wage-earning workers in domestic service.

An industrial injury pension or a military pension may in certain cases run concurrently with an invalidity pension; but if either of those entitlements exceeds 50 per cent. of the wages drawn by an able-bodied worker in the same occupational category as the insured person, the amount of the invalidity pension must be correspondingly reduced.

Insured workers and employers pay equal contributions of up to a maximum of 3.75 per cent. of wages not exceeding a monthly limit of the equivalent of 38,000 francs for all forms of social insurance.

On 30 September 1954 the total number of insured persons in employment was 413,355 and that of pensioners was 1,195; the total expenditure amounted to 60,340,899 francs.

*French Guiana.*

See under Convention No. 24, *Guadeloupe*.

*Guadeloupe.*

See under Convention No. 24.

*Martinique.*

See under Convention No. 24, *Guadeloupe*.

*Réunion.*

See under Convention No. 24, *Guadeloupe*.

*United Kingdom.**Barbados.*

See under Convention No. 24.

*British Guiana.*

See under Convention No. 35.

*Cyprus.*

See under Convention No. 24.

*Gibraltar.*

During the period under review two persons received financial assistance on account of invalidity; the total expenditure was £89.

*Guernsey (First Report).*

For legislation see under Convention No. 24.

*Article 1 of the Convention.* The provisions of the Convention are to some extent applied by the Guernsey Contributory Pensions Law. It does not provide invalidity benefit as such, but accident benefit is paid for an unlimited period during total disablement and, subject to certain conditions, during partial disablement. Benefit is not paid for incapacity due to illness.

*Article 2.* See under Convention No. 24, Article 2.

*Article 3.* Persons ceasing to be compulsorily insured may elect, within three months after compulsory insurance ends, to become voluntary contributors. In this case, a contribution at the voluntary rate must be paid for each week falling between the termination of compulsory insurance and the admission as a voluntary contributor.

*Article 4.* Benefit is payable to insured persons who suffer total disablement from an accident. Total disablement is not defined, but, in practice, a person is considered totally disabled if a medical practitioner certifies that his condition consequent upon an accident is such that he should and does abstain from work. Benefit may also be paid where partial disablement follows from an accident if, as a result of disablement, there is a proved and continuing loss of earnings. Partial disablement is recognised when a practitioner certifies that an

insured person's condition following an accident is such that he can work only part-time or engage in lighter work.

*Article 5.* The right to benefit is not conditional on completion of a qualifying period or payment of a minimum number of contributions.

*Article 6.* Cessation of insurance leads to immediate loss of all accrued rights to benefit.

*Article 7.* The benefit is a fixed sum not dependent on the time spent in insurance. For an adult it is 26s. per week plus 16s. for a dependent spouse and 7s. 6d. for the first or an only child; for youths under 18 without dependants it is 15s. per week.

*Article 8.* The Insurance Authority is authorised at its discretion to defray expenses of treatment for workers sustaining injury as the result of an accident, whose capacity for work can be wholly or partially restored.

*Article 9.* Benefit may be forfeited or suspended if injury is due to the gross and wilful misconduct or drunkenness of the insured person, if he refuses to undergo a medical examination, if he is being maintained in a public institution, or if he is receiving another insurance benefit.

*Article 10.* See under Convention No. 24, Article 7.

*Article 11.* See under Convention No. 35, Article 10.

*Article 12.* An insured person may appeal to the Royal Court of Guernsey against a decision of the State Insurance Authority in a dispute concerning benefits. The employed person and his employer have not the right of appeal in a dispute concerning liability of insurance or the rate of contribution.

*Articles 13 and 14.* See under Convention No. 35, Articles 12 and 13.

*Jersey (First Report).*

For legislation see under Convention No. 24.

*Article 1 of the Convention.* The above-mentioned legislation sets up a general scheme of social insurance under which, in return for regular and compulsory weekly contributions, cash benefits are provided during incapacity for work.

*Article 2.* See under Convention No. 24, Article 2.

*Article 3.* Since the scheme applies to all persons over school-leaving age and under pensionable age, all such persons are therefore, in general, compulsorily insurable either as an employee, self-employed person or non-employed person. Married women can elect either to pay or not to pay contributions, and to that extent their insurance can be regarded as voluntary.

*Article 4.* To qualify for benefit a person must be incapable of work by reason of some specific disease or bodily or mental disablement. For this purpose, a person can be deemed to be incapable of work if he is under medical care in respect of some disease or disable-

ment, and a doctor certifies that by reason of that disease or disablement he must abstain from work, and that he does not work.

*Article 5.* An insured person who has paid 26 weekly contributions since entry into insurance, and who also has paid or been credited with 50 weekly contributions in the immediately preceding contribution year, is entitled to benefit. A reduced benefit is payable if from 26 to 49 weekly contributions have been paid or credited in the previous year. After having satisfied the above conditions, a person is entitled to 52 weeks of benefit. A person who has paid less than 156 weekly contributions and who draws benefit for 52 weeks must pay 13 additional weekly contributions in order to re-qualify. As soon as 156 contributions have been paid, however, the limit of duration on receipt of benefit is removed altogether.

*Article 6.* See under Article 3 above.

*Article 7.* The benefit is a fixed sum not dependent upon time spent in insurance. The standard rate of benefit for an adult beneficiary other than a married woman is 32s. 6d. per week, plus 21s. 6d. for an adult dependant, 10s. 6d. for the first or an only child, and 2s. 6d. for each additional child.

*Article 8.* No free medical and hospital treatment is provided under the insurance scheme.

*Article 9.* Benefit may be reduced or withheld altogether if other insurance benefits are payable. A person is disqualified for benefit if incapacity is due to misconduct, if he fails without good cause to submit himself to medical examination or treatment, or if he fails to follow certain rules of behaviour.

*Article 10.* See under Convention No. 24, Article 7.

*Article 11.* See under Convention No. 24, Article 6.

*Article 12.* See under Convention No. 24, Article 9.

*Article 13.* Foreign employed persons are in general insurable in the same way as nationals; the contribution rates are the same and the States' supplement is paid in the normal way. Benefits in respect of incapacity are not payable to persons abroad.

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

*France :* Cameroons, French Equatorial Africa, French Settlements in Oceania, French Somaliland, French West Africa, Madagascar, Morocco, New Caledonia, St. Pierre and Miquelon, Togoland.

*Italy :* Trust Territory of Somaliland.

*United Kingdom :* Aden, Bahamas, Basutoland, Bechuanaland, Bermuda, British Honduras, British Somaliland, Brunei, Dominica, Gold Coast, Grenada, Hong Kong, Leeward Islands, Federation of Malaya, Malta, Nigeria, North Borneo, Nyasaland, St. Helena, St. Vincent, Sarawak, Seychelles, Swaziland.

## 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.

*Italy.* Ratification: 22 October 1947.  
No declaration.

*United Kingdom.* Ratification: 18 July 1936.  
Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands and Isle of Man.  
No declaration: all other non-metropolitan territories.

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

*France.*

*Algeria.*

The maximum wage on which the invalidity pension may be calculated is 408,000 francs per year.

On 30 June 1954 the number of agricultural workers covered by social insurance was 162,400; 157 invalidity pensions had been awarded and 9,107,172 francs had been paid out in benefits. On 30 June 1955 the number of insured persons in agriculture was 200,302; 217 pensions were being paid, representing a total of 12,918,011 francs.

See under Convention No. 36 as regards the appeals procedure.

*French Guiana.*

See under Convention No. 24, *Guadeloupe*.

*French Settlements in Oceania.*

A Bill has been presented to the parliamentary assemblies for consideration.

*French Somaliland.*

The only large undertaking classified as agricultural is the Djibouti Salt Company, which employs three Europeans (or persons of equivalent status) and 50 Natives.

*Guadeloupe.*

See under Convention No. 24, especially the last paragraph.

*Martinique.*

See under Convention No. 24, *Guadeloupe*.

*Réunion.*

See under Convention No. 24, *Guadeloupe*.

*United Kingdom.*

*Barbados.*

See under Convention No. 24.

*British Guiana.*

See under Convention No. 35.

*Cyprus.*

See under Convention No. 25.

*Guernsey (First Report).*

See under Convention No. 37.

*Jersey (First Report).*

See under Convention No. 37.

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

*France*: Cameroons, French Equatorial Africa, French West Africa, Madagascar, Morocco, New Caledonia, St. Pierre and Miquelon, Togoland.

*Italy*: Trust Territory of Somaliland.

*United Kingdom*: Aden, Bahamas, Basutoland, Bechuanaland, Bermuda, British Honduras, British Somaliland, Brunei, Dominica, Gibraltar, Gold Coast, Grenada, Hong Kong, Leeward Islands, Federation of Malaya, Malta, Nigeria, North Borneo, Nyasaland, St. Helena, St. Vincent, Sarawak, Seychelles, Swaziland.

## 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.

*United Kingdom.* Ratification: 18 July 1936.  
Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands and Isle of Man.  
No declaration: all other non-metropolitan territories.

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

*United Kingdom.*

*Barbados.*

See under Convention No. 24.

*Cyprus.*

See under Convention No. 24.

*Gibraltar.*

The compulsory contributory scheme of social insurance which will be brought into operation before the end of 1955 will include provision for the payment of widow's benefit and guardian's allowance. During the period under review 29 widows received financial assistance, the total expenditure being £3,147.

*Guernsey (First Report).*

For legislation see under Convention No. 35.

*Article 2 of the Convention.* See under Convention No. 35, Article 2.

*Article 3.* See under Convention No. 35, Article 3.

*Article 4.* If the death of an insured male is due to injury by accident, his widow or orphans become entitled to a pension without having to satisfy any contribution test or qualifying period. If death is due to natural causes, one of two tests has to be satisfied: that 100 contributions have been paid, or are deemed to have been paid, in respect of the insured male during the 104 weeks immediately preceding death; or, if he died after the age of 70, that 100 contributions were paid or deemed to have been paid in respect of him during the 104 weeks immediately preceding his attainment of the age of 70. Compulsory contributors have contribution weeks credited during incapacity if the latter is proved by a medical certificate; during unemployment, their insurance card is stamped free if they register for unemployment, but otherwise they must buy their own stamps. Voluntary contributors are credited for contribution weeks only when incapacity is due to injury by accident, and not for other incapacity or unemployment.

*Article 5.* Termination of insurance leads to immediate loss of all rights to survivors' pensions established by the crediting of contributions.

*Article 6.* Survivors' pensions are payable to the widow, to the orphans, and to the widower who is totally and permanently incapacitated and was wholly dependent upon his wife at her death. If none of these survive, pensions are payable at the discretion of the Insurance Authority to other dependants, subject to a maximum of 31s. 3d. per week. Funeral benefit is payable only if death is due to an accident. No lump sum is payable in cases where the deceased person failed to pay sufficient contributions for his widow to draw a pension consequent upon his death from natural causes.

*Article 7.* The age or invalidity of a widow are not factors in determining her entitlement to a widow's pension. She is not entitled to a pension, however, if her late husband reached the age of 65 before the marriage, unless at least three years have elapsed between the marriage and death or she was receiving a widow's pension immediately before the marriage.

*Article 8.* Benefit is payable in respect of children under 15 years and also dependent children above that age who are mentally or physically incapacitated. Illegitimate children are treated in the same way as children born in wedlock, if they were dependent on the insured person at his death.

*Article 9.* Pensions are a fixed sum not dependent on time spent in insurance. The pension for a widow aged 60 or over is 26s. per week, and that for a widow under 60 is 17s. 6d. If the widow has children she receives an additional 8s. 9d. per week for the eldest or only child and 6s. 3d. for each other child, subject to a maximum supplement of 27s. 6d. per week.

*Article 11.* A widow's pension may be forfeited or suspended if her husband's death was attributable to his gross and wilful misconduct or drunkenness, if she is maintained or detained in a public institution, if she is cohabiting with a man as his wife, or if she is drawing another insurance benefit.

*Article 12.* See under Convention No. 35, Article 9.

*Article 13.* See under Convention No. 35, Article 10.

*Article 14.* In a dispute concerning widows' and orphans' benefits, an appeal to the Royal Court of Guernsey may be made against a decision of the States Insurance Authority. The Contributory Pensions Laws do not give an employed person or his employer a right of appeal in a dispute concerning liability to insurance or the rate of contribution.

*Articles 15 and 16.* See under Convention No. 35, Articles 12 and 13.

At 30 June 1954, 875 persons were drawing widows' pensions. Expenditure on widows' and orphans' pensions during the year ending at that date totalled £55,400.

*Jersey (First Report).*

Insular Insurance (Jersey) Law, 1950, as amended in 1952, 1953 and 1954.

Family Allowances (Jersey) Law, 1951.

Various Orders, issued from 1951 to 1954, relating to insular insurance and family allowances.

*Article 1 of the Convention.* The report states that the above-mentioned legislation sets up a scheme under which provision is made for widows' benefits and guardians' allowances at least equivalent to those required by the Convention.

*Article 2.* All persons, whatever their occupation or even if they have no gainful occupation, are compulsorily insurable in respect of survivors' insurance (widows and guardians). Persons who are in receipt of other benefits under the law, however, are not required to contribute. Apart from this, the only exceptions from liability to pay contributions are self-employed or non-employed persons whose income does not exceed £104 a year, and who apply for such exception, and married women. The latter are normally covered by their husband's insurance, but, if on marriage a woman decides to continue the payment of contributions, she is entitled to do so.

*Article 3.* Under the law compulsory insurance does not cease.

*Article 4.* The right to widow's benefit is conditional upon 156 weekly contributions having been paid by the deceased after entry into insurance and a yearly average of weekly contributions of not less than 50. A reduced benefit is payable if the yearly average is below 50. In the case of employed and self-employed persons, contributions may be credited in respect of weeks of incapacity.

*Article 5.* A person who has once been insured does not lose his right in respect of contributions paid, even if they cease to be paid. He remains an insured person all his life.

*Article 6.* No benefits are payable to survivors other than widows or children, and nothing is payable by way of a lump sum in relation to contributions where the qualifying period is not completed.

*Article 7.* If contribution conditions are satisfied, a widow's allowance is payable for 13 weeks after the husband's death. Thereafter, the right to widow's benefit is restricted (a) to widows with young children, or (b) in the case of widows without such children, to those who were over the age of 50 at the time of their husband's death. In the first case the right to a widow's pension following receipt of a widowed mother's allowance is restricted to widows who are over 40 years of age or are incapable of self-support when they cease being entitled to the allowance. Payment of a widow's pension following a widowed mother's allowance or a widow's allowance is restricted to widows married for ten years when their husband died or when the widowed mother's allowance ceases. A former wife whose marriage to the person on whose insurance the claim is based has, at the time of death of that person, been dissolved by decree absolute is not regarded as the widow of that person and no widow's benefit is payable to her. Widow's benefit is payable only to the lawful widow.

*Article 8.* A child, for the purpose of qualification for guardian's allowance or for widowed mother's allowance, must be under the upper limit of the compulsory school age or, if over that age, be under 16 years, provided he is undergoing full-time school instruction or is an apprentice. A widow is entitled to a widowed mother's allowance if she has a family which includes a child or children one of whom was at the husband's death either a child of his family or is a son or daughter of theirs. In certain cases where the paternity of an illegitimate child has not been established, a guardian's allowance may be payable on the death of the mother alone, provided that, if the mother of the child is married at the time of her death and the child is the child of her husband's family, the husband is also dead.

*Article 9.* Widows' benefits and guardians' allowances are fixed sums not dependent on time spent in insurance (although, as stated above, the rate of widow's benefit may be reduced if the yearly average of contributions

is below 50). The normal rates are: widow's allowance, 36s. per week, plus 10s. 6d. for the first or an only child; widowed mother's allowance, 40s. per week, widow's pension, 26s. per week; and guardian's allowance, 15s. per week. Widows' pensions and widowed mothers' allowances are both liable to reduction if the widow's earnings for the two weeks preceding that in which she becomes entitled to benefit exceed 40s. or 60s.

*Article 10.* No provision is made for benefits in kind such as those mentioned in this Article.

*Article 11.* Recovery of amounts fraudulently obtained may be made by deduction from benefit, but the right to future benefit is not thereby forfeited. Benefit is reduced if a beneficiary is in receipt of free in-patient treatment at a hospital or similar institution, but in no case below 6s. 6d. per week. Benefit may be reduced or suppressed where some other insurance benefit is payable. A widow's benefit is not payable for any period during which a widow is cohabiting with a man as his wife.

*Article 12.* See under Convention No. 24, Article 7.

*Article 13.* See under Convention No. 24, Article 6.

*Article 14.* Decisions on questions relating to the family allowances law are subject to appeal to a family allowances tribunal. See also under Convention No. 24, Article 9.

*Article 15.* Foreign employed persons are treated in the same way as nationals.

At 4 September 1954, 119 persons were receiving widow's benefit; the estimated expenditure in respect of such benefit was £4,431 during the year ending at that date.

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

*Italy:* Trust Territory of Somaliland.

*United Kingdom:* Aden, Bahamas, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, Brunei, Dominica, Gold Coast, Grenada, Hong Kong, Leeward Islands, Federation of Malaya, Malta, Nigeria, North Borneo, Nyasaland, St. Helena, St. Vincent, Sarawak, Seychelles, Swaziland.

#### 40. Survivors' Insurance (Agriculture) Convention, 1933

*This Convention came into force on 29 September 1949*

*Italy.* Ratification: 22 October 1952.  
No declaration.

*United Kingdom.* Ratification: 18 July 1936.  
Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands and Isle of Man.

No declaration: all other non-metropolitan territories.

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

*United Kingdom.*

*Barbados.*

See under Convention No. 24.

*Cyprus.*

See under Convention No. 25.

*Guernsey* (First Report).

See under Convention No. 39.

*Jersey* (First Report).

See under Convention No. 39.

*Leeward Islands.*

A Committee was appointed in St. Kitts-Nevis-Anguilla in 1953 to examine the possibi-



lity of introducing a scheme for social insurance, including an old-age pension, but it came to the conclusion that such a scheme was impracticable in the economic and financial circumstances of the presidency.

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

*Italy* : Trust Territory of Somaliland.

*United Kingdom* : Aden, Bahamas, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, Brunei, Dominica, Gibraltar, Gold Coast, Grenada, Hong Kong, Federation of Malaya, Malta, Nigeria, North Borneo, Nyasaland, St. Helena, St. Vincent, Sarawak, Seychelles, Swaziland.

#### 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.

*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 : Tunisia.

*Netherlands*. Ratification : 9 December 1935.  
Applicable without modification : Surinam.  
No declaration : Netherlands Antilles, New Guinea.

*New Zealand*.<sup>2</sup> Ratification : 29 March 1938.  
No declaration.

*Union of South Africa*.<sup>2</sup> Ratification : 25 May 1935.  
No declaration.

*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 : all other non-metropolitan territories.

cerning the employment of women at night, which were voluntarily observed by practically all undertakings, became compulsory.

*Netherlands New Guinea*.

Netherlands East Indies Statute Book, 1925 (Nos. 647 and 648) and 1941 (No. 45).

Women are not allowed to work between 10 p.m. and 5 a.m. except in cases when the Director of Social Affairs has granted a permit on account of the special requirements of the undertaking.

The nature of the undertakings to which this prohibition applies does not entirely agree with the provisions of Article 1 of the Convention which, *inter alia*, also mentions mines. There are, however, no mines in Netherlands New Guinea.

Under the present circumstances it is seldom necessary to employ women during the night, as most industrial undertakings mainly work by day.

*Surinam*.

The night work of women in industry does not occur in Surinam. If this should happen in the future, the application of the Convention would certainly be taken into consideration and local legislation would be supplemented by the necessary provisions.

*Netherlands*.

*Netherlands Antilles*.

Labour Regulation, 1952.

Since the coming into force of the above Regulation in October 1954 the provisions con-

<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.

#### 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.

*Denmark*. Ratification : 22 June 1939.  
Not applicable : Greenland.  
No declaration : Faroe Islands.

*France*. Ratification : 17 May 1948.  
Applicable without modification : French Guiana, Guadeloupe, Martinique, Réunion.  
No declaration : all other non-metropolitan territories.

*Italy*. Ratification : 22 October 1952.  
Applicable with modifications : Trust Territory of Somaliland.

*Japan*. Ratification : 6 June 1936.  
No declaration : Pacific Islands (League of Nations mandate).

*Netherlands*. Ratification : 1 September 1939.  
Applicable without modification : Netherlands Antilles, Surinam.  
No declaration : New Guinea.

*New Zealand*. Ratification : 29 March 1938.  
No declaration.

*Union of South Africa*. Ratification : 26 February 1952.  
No declaration.

*United Kingdom*. Ratification : 29 April 1936.  
Applicable *ipso jure* without modification<sup>2</sup> : Channel Islands and Isle of Man.

No declaration : all other 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.

*Belgium*.

*Belgian Congo and Ruanda-Urundi*.

The Convention has been ratified by Belgium without any reservation being made in the

instrument of ratification as regards its application to the Belgian Congo and Ruanda-Urundi. As from next year a report will be submitted on this Convention in lieu of that on Convention No. 18, which was revised by Convention No. 42,

*Denmark.*

*Faroe Islands.*

Under Royal Decree of 22 December 1955 compensation for occupational diseases is granted to the same extent in the Faroe Islands as in the Danish metropolitan territory.

See also the report on Convention No. 42 supplied by Denmark under article 22 of the Constitution.

*France.*

*French Equatorial Africa.*

Regulations dealing with protection against ionising radiations are now being drafted.

*French Guiana.*

See under *Guadeloupe*.

*French Settlements in Oceania.*

See under Convention No. 18.

*French West Africa.*

See under Convention No. 18.

*Guadeloupe.*

Decree No. 55-244 of 10 February 1955 to issue public administrative regulations for the application of Act No. 54-806 of 13 August 1954, extending the social insurance scheme to the Departments of Guadeloupe, French Guiana, Martinique and Réunion, and defining the insurance scheme for industrial accidents and occupational diseases for those Departments.

*Martinique.*

See under *Guadeloupe*.

*Morocco.*

The schedule of occupational diseases includes all those listed in the schedule of Article 2 of the Convention except primary epitheliomatous cancer of the skin. A proposed text which is about to be promulgated will extend the coverage of the Dahir of 31 May 1943 cited in a previous report to all the processes covered by the Convention. The schedule also includes 23 other occupational diseases.

*Réunion.*

See under *Guadeloupe*.

*Italy.*

*Trust Territory of Somaliland.*

For new legislation see under Convention No. 17.

*Netherlands.*

*Surinam.*

The Government states that due account of the provisions of the Convention is taken in the Industrial Accident Regulations, the application of which is in charge of the Labour Inspectorate.

One case of occupational disease has been reported.

*New Zealand.*

*Western Samoa.*

See under Convention No. 12.

*United Kingdom*

*British Guiana.*

For legislation see under Convention No. 17.

The occupational diseases prescribed in the Workmen's Compensation (Occupational Diseases) Order No. 19 of 1955 are : poisoning by lead, phosphorus, arsenic, mercury, and other forms of metallic poisoning; and anthrax. The report states that conditions do not yet necessitate making further additions to the list of occupational diseases.

*Brunei.*

A draft Workmen's Compensation Bill on the pattern of the Singapore Ordinance has been drawn up. This, when passed by the State Council, will comply with the Convention.

*Cyprus.*

No industrial diseases were reported, nor did the incidence of infectious diseases give any cause for concern during the year 1954.

*Gibraltar.*

During the period under review two cases of occupational diseases, both dermatitis, were reported; the amount of £19 13s. 6d. was paid out by way of compensation as benefits in cash, and the cost of hospital treatment was £1 8s.

*Gold Coast.*

Workmen's Compensation (Amendment) Ordinance, 1954.

*Article 1 of the Convention.* Section 28 (D), subsection (1), of the Workmen's Compensation Ordinance, 1940, as amended by the Workmen's Compensation Ordinance, 1954, empowers the Minister responsible for labour to extend the scope of the provisions of the law relating to compensation for industrial accident to incapacity or death arising out of an industrial disease which has been specified as such by an order of the Minister responsible for labour. Conditions under which compensation for industrial disease is payable are set out in the amending Ordinance.

*Article 2.* No order has yet been made by the Minister responsible for labour specifying diseases coming within the scope of occupational diseases. The subject is under active consideration.

*Guernsey (First Report).*

The report states that in accordance with the Contributory Pensions Laws, 1935 to 1955, benefits are payable to insured persons who are injured in industrial accidents, but that these Acts do not cover occupational diseases.

In 1953 the States Insurance Authority submitted a report to the Government on the revision of the Contributory Pensions Laws and recommended that occupational diseases should be dealt with on the same basis as industrial accidents; this report was submitted to the actuarial department of the British Government. After considering this department's recommendations, the Guernsey Government decided not to take a decision until March 1958, the date of the elections.

*Jersey* (First Report).

The report states that, on account of the fact that there is no heavy industry in Jersey, it has not been considered necessary to make special provision for the compensation of occupational diseases.

*Leeward Islands.*

See under Convention No. 19.

*Malta.*

See under Convention No. 12.

*Sarawak.*

A draft Workmen's Compensation Bill has been drawn up, which, when passed by the Council Negri, will comply with the provisions of the Convention.

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

*Denmark*: Greenland.

*France*: Algeria, Cameroons, French Somaliland, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland.

*Netherlands*: Netherlands Antilles.

*New Zealand*: Cook Islands and Niue.

*United Kingdom*: Aden, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Honduras, British Somaliland, Dominica, Grenada, Hong Kong, Federation of Malaya, Nigeria, North Borneo, Nyasaland, St. Helena, St. Vincent, Seychelles, Swaziland.

### 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: Belgian Congo and Ruanda-Urundi.

*France.* Ratification: 5 February 1938.  
No declaration.

*United Kingdom.* Ratification: 13 January 1937.  
Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands and Isle of Man.  
No declaration: all other non-metropolitan territories.

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

*Belgium.*

*Belgian Congo and Ruanda-Urundi.*

The report states that the absence of automatic sheet-glass works in the Belgian Congo renders it unnecessary to apply this Convention in the territory.

*United Kingdom.*

*Guernsey* (First Report).

Because of the nature of its subject matter this Convention is inapplicable to the territory.

*Jersey* (First Report).

Because of the nature of its subject matter this Convention is inapplicable to the territory.

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

*France*: 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.

*United Kingdom*: Aden, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Gibraltar, Gold Coast, Grenada, Hong Kong, Leeward Islands, Federation of Malaya, Malta, Nigeria, North Borneo, Nyasaland, St. Helena, St. Vincent, Sarawak, Seychelles, Swaziland.

### 44. Unemployment Provision Convention, 1934

*This Convention came into force on 10 June 1938*

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*France.* Ratification: 21 February 1949.  
Not applicable: French Guiana, Guadeloupe, Martinique, Réunion.

No declaration: all other non-metropolitan territories.

*Italy.* Ratification: 22 October 1952.

No declaration.

*New Zealand.* Ratification: 29 March 1938.  
No declaration.

*United Kingdom.* Ratification: 29 April 1936.  
Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands and Isle of Man.

No declaration: all other non-metropolitan territories.

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

*France.*

*French Equatorial Africa.*

A scheme for relief works has just been drawn up in the Middle Congo to make use of the special grants made to the Federation by the metropolitan Government for the purpose

of solving the unemployment problem in urban areas.

*French Settlements in Oceania.*

A certain amount of slowing down of economic activity became apparent in the building and public works industry at the end of the first industrial equipment plan. Considerable stimulus was given to the development of agriculture, a branch in which the surplus unskilled labour in Papeete may be employed. In addition, New Caledonia was contacted in order that the skilled labour in Tahiti could be employed in large works in that territory.

See also under Convention No. 2.

*French West Africa.*

There is no special scheme for the protection of workers who are involuntarily unemployed.

The application of the Convention would involve the introduction of a social security scheme, which lies beyond the powers of local authorities. The report emphasises that it is essential that this should be preceded by legislation based on a thorough study of the Federation's special problems. It seems that the present economic and social situation does not supply the essential prerequisites for the introduction of unemployment grants and allowances.

*Guadeloupe.*

See under Convention No. 2.

*Martinique.*

At Fort-de-France, out of a total of 15,000 wage earners, 10,000 are permanently employed almost exclusively in commercial and handicraft occupations and the liberal professions; 2,000 to 3,000 are employed quasi-permanently (dockers, storekeepers and day labourers); 2,000 to 3,000 are employed intermittently, and about 1,000 young persons leaving school are vainly seeking employment.

The rest of the territory is definitely agricultural. Out of 35,000 wage earners, only between 3,000 and 4,000 are permanently employed in factories; 15,000 to 20,000 agricultural workers are employed on an average only two days a week. The cultivation of a small plot of ground, fishing and mutual aid fortunately supplement incomes during the dead season.

This situation is getting worse every year, seeing that there is an annual population increase of 6,000 births. It would seem that the rate of increase in production is not able to keep pace with the increase in the population, and it is probable that the steadily increasing formation of a type of concealed unemployment, which at the present time affects no less than 15,000 to 20,000 wage earners, will continue to be apparent.

The report states that the extension of the present metropolitan legislation for assisting workers without employment would not provide any real solution, since it does not include within its scope agricultural occupations and seasonal work, that is to say, in effect, all the really productive elements of the territory.

Such an extension would only serve to stabilise and increase an unemployed labour force at Fort-de-France, and would thus promote a permanent state of poverty.

The report points out that, in view of the special climatic conditions, the rural character of the great majority of wage earners working part-time, and the facility with which many workers adapt themselves to an extremely low standard of living, it would be advisable to contemplate assistance to workers without employment only in the form of work designed to employ the unemployed; in fact, the grant of allowances which, in order to be of any use would have to be a considerable fraction of the guaranteed minimum, would only result in the disappearance, both in the towns and in the countryside, of the determining factor of individual activity, that is to say the obligation to do a minimum amount of work.

*Réunion.*

See under Convention No. 2.

*United Kingdom.*

*Barbados.*

See under Convention No. 2.

*Cyprus.*

See under Convention No. 24.

*Gibraltar.*

During the period under review the rates of financial assistance under the administrative system of assistance to persons involuntarily unemployed were increased; the amount disbursed was £1,683.

See also under Convention No. 2.

*Guernsey (First Report)*

Unemployment benefit was among the benefits to be made available under the National Insurance (Guernsey) Law of 1951. An Order to bring this Law fully into operation was made in January 1952, but the Order was annulled by the States of Guernsey on 20 February 1952. The latter decided on 15 December 1954 not to proceed with the National Insurance Scheme.

A certain amount of relief work, organised by the States of Guernsey through the States Labour and Welfare Committee, is provided for unemployed males. Public assistance is given to unemployed males who are not physically suitable for relief work or for whom no relief work is available, and also to unemployed females who are destitute.

*Jersey (First Report).*

The report states that there is no legislation in force in Jersey providing for benefit for the involuntarily unemployed. A system of relief is administered by the *connétables* (mayors) of the 12 parishes of the island, under which unemployed persons can apply to their parish of residence. The mayor is bound in cases of genuine need either to provide work or relief in cash or kind. Provision is also made by the Insular Insurance (Jersey) Laws, 1950 and

1954, for persons insured thereunder, who have satisfied certain conditions relating to the payment of contributions, to qualify for credits during periods of unemployment in lieu of paying weekly contributions.

The Insular Insurance Laws are administered by a committee of the States of Jersey known as the Insular Insurance Committee.

The report adds that the number of unemployed persons is at no time considered to be sufficient to warrant the introduction of complex legislation designed to provide large-scale unemployment benefit, and that it is agreed generally that the services provided at the present time are sufficient to meet the needs of the community.

*St. Helena.*

The estimated cost of relief for 1955 amounted

to £14,100 out of a total budget of £171,988.

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

*France*: Algeria, Cameroons, French Guiana, French Somaliland, Madagascar, Morocco, New Caledonia, St. Pierre and Miquelon, Togoland.

*Italy*: Trust Territory of Somaliland.

*New Zealand*: Cook Islands and Niue, Western Samoa.

*United Kingdom*: Aden, Bahamas, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, Brunei, Dominica, Gold Coast, Grenada, Hong Kong, Leeward Islands, Federation of Malaya, Malta, Nigeria, North Borneo, Nyasaland, St. Vincent, Sarawak, Seychelles, Swaziland.

#### 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: Belgian Congo and Ruanda-Urundi.

*France.* Ratification: 25 January 1938.  
No declaration.

*Italy.* Ratification: 22 October 1952.  
Applicable without modification: Trust Territory of Somaliland.

*Netherlands.* Ratification: 20 February 1937.  
No declaration.

*New Zealand.* Ratification: 29 March 1938.  
No declaration.

*Portugal.* Ratification: 18 October 1937.  
Not applicable: all non-metropolitan territories.

*Union of South Africa.* Ratification: 25 June 1936.  
Applicable without modification: 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, Federation of 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 reserved<sup>2</sup>: Brunei, Gilbert and Ellice Islands, Jamaica, Malta, Sarawak.

No declaration: British Somaliland.

Mines and Works Regulation Ordinance, 1935-52, and Regulations.

Native Labour Ordinance, 1950, as amended in 1952 and 1953 (L.S. 1953—Pap.-N.G.1) and Regulations.

Section 6 of the Mining Ordinance, 1928-47, defines the term "mine", in accordance with the Convention. Section 28 of the Mines and Works Regulation Ordinance, 1935-52, provides that in no case shall a female be employed or work underground in or about any mine or works.

Under the Native Labour Ordinance, no female shall be employed under agreement; a District Officer may terminate any form of casual employment for any reason which he considers sufficient; and an inspector or a medical officer may declare any premises or place to be a prohibited area for employment. In addition, the Administrator may prohibit the employment of Native people of any class or particular occupation or from any village or area.

The mining legislation and the Native labour legislation are comprehensive in scope. Inspection and supervision are adequate and penalties are provided for breaches of the law.

The mining laws do not provide for the exceptions specified in Article 3 of the Convention but, in the event of an accident or other emergency, a mining warden, an inspector or a mine manager may, at their discretion, permit a female to work underground with a view to providing a medical service.

The Department of Lands, Surveys and Mines has jurisdiction for the administration of mining matters; qualified mining wardens and mining inspectors are appointed in the Department to act under the provisions of the mining laws, the former having jurisdiction over mining areas and the latter inspecting regularly all mining activities. The administration of the Native Labour Ordinance is the responsibility of the Director of the Department of Native Affairs.

No female, indigenous or non-indigenous, has ever applied for authority to work underground

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

<sup>2</sup> See footnote 2 to Convention No. 15.

*Australia.*

*Nauru* (First Report).

See under *Norfolk Island*.

*New Guinea* (First Report).

Mining Ordinance, 1928-47.

Mining Ordinance, 1931.

Mining Regulations, 1935.

in any mine and no contravention of the law is known.

*Norfolk Island* (First Report).

As indicated in a Declaration submitted by the Australian Government, this Convention is not applicable because there are no underground mines in the territory.

*Papua* (First Report).

Mining Ordinance, 1937-50 and Mining Regulations, 1935.

Native Labour Ordinance, 1950, as amended in 1952 and 1953 (L.S. 1953—Pap.-N.G. 1), and Regulations.

Section 3 of the Mining Ordinance, 1937-50, defines the terms "mine", "to mine", "mining purposes" and "mining tenement" in accordance with the Convention.

Section 219 of the Mining Ordinance, 1937-50, prohibits the employment of any female below ground in any mine.

The Native Labour Ordinance, 1950-53, specifies that no female shall be employed under agreement; a District Officer may terminate any form of casual employment for any reason which he considers sufficient; and an inspector or a medical officer operating under the provisions of the Native Labour Ordinance may declare any premises or place to be a prohibited area for employment.

The mining legislation and the Native labour legislation are comprehensive in scope. Inspection and supervision are adequate and penalties are provided for breaches of the law.

In Papua the mining laws do not provide for any of the exemptions specified in Article 3 of the Convention, but in the event of an accident or other emergency a mining warden, an inspector or a mine manager may, at his discretion, permit a female to work underground with a view to providing a medical service.

The administration of mining matters is under the jurisdiction of the Department of Lands, Surveys and Mines; qualified mining wardens and mining inspectors are on the staff of this Department, and are appointed to act under the provisions of the mining laws. The Director of the Department of Native Affairs is responsible for the over-all administration of the Native Labour Ordinance, 1950-53.

No female, indigenous or non-indigenous, has ever applied for permission to work underground in any mine and no contravention of the law has been reported.

*Belgium.*

*Belgian Congo and Ruanda-Urundi.*

The report states that the application of this Convention to the Belgian Congo and Ruanda-Urundi would serve no useful purpose as there are no women working in the mines in these territories.

*France.*

*Algeria.*

During the period under review no female has been employed on underground work in mines or quarries.

*French Equatorial Africa.*

Act No. 52-1322 of 15 December 1952, sections 115 and 119 (L.S. 1952—Fr. 5).

Order No. 3759/IGT of 25 November 1954.

This legislation protects women employed in mines, opencast mining and quarries. Such women may not be employed on any work during the night and must be given a rest of 11 consecutive hours.

The employment of women on underground work is strictly forbidden.

*French West Africa.*

General Order No. 5254/IGTLS. AOF of 19 July 1954.

The regulations prohibit the employment of women underground in mines and quarries. No woman is at present employed on such work.

*Togoland.*

The three mining undertakings in the territory are still in the stage of being prospected; women are not employed on underground work.

*Netherlands.*

*Surinam.*

The report states that underground work in the territory is performed by neither men nor women.

*United Kingdom.*

*Guernsey* (First Report).

This Convention is inapplicable to the territory by reason of the question with which it deals.

*Hong Kong.*

Mining Ordinance No. 33 of 1954.  
Mining (General) Regulations, 1954.  
Mines (Safety) Regulations, 1954.

The application of the above legislation is entrusted to the Labour Department and the Mines Department. The Commissioner of Labour is also Commissioner of Mines and the executive officers of both Departments are entrusted with the practical enforcement of the legislation; there is in addition a woman labour officer to give special attention to all problems in connection with the employment of women and young persons. The report also contains information regarding the mining undertakings at present operating in the territory.

*Jersey* (First Report).

This Convention is inapplicable to the territory by reason of the question with which it deals.

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

*France:* Cameroons, French Guiana, French Settlements in Oceania, French Somaliland, Guadeloupe, Madagascar, Martinique, Morocco, Réunion, St. Pierre and Miquelon.

*Italy:* Trust Territory of Somaliland.

*Netherlands*: Netherlands Antilles.

*New Zealand*: Cook Islands and Niue, Western Samoa.

*Portugal*: Angola, Cape Verde, Portuguese Indies, S. Tomé and Príncipe.

*United Kingdom*: Aden, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British

Guiana, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Gibraltar, Gold Coast, Grenada, Leeward Islands, Federation of Malaya, Malta, Nigeria, North Borneo, Nyasaland, St. Helena, St. Vincent, Sarawak, Seychelles, Southern Rhodesia, Swaziland.

*Union of South Africa*: South West Africa.

#### 47. Forty-Hour Week Convention, 1935

*This Convention is not yet in force*

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*New Zealand*. Ratification: 29 March 1938.  
No declaration.

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*New Zealand*.

*Cook Islands* (Voluntary Report).

See under Convention No. 1.

*Western Samoa* (Voluntary Report).

It is not yet regarded as practicable to introduce a 40-hour week throughout the territory, but the Government is giving an encouraging lead.

#### 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

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*Netherlands*. Ratification: 6 October 1938.  
No declaration.

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*Netherlands*.

*Surinam*.

In view of the stage of economic development of the territory, it is not yet possible to

participate in an international scheme for the maintenance of rights under invalidity, old-age and widows' and orphans' insurance. The possibility of conforming with Netherlands practice in regard to the old-age provisions will be the subject of future examination.

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

*Italy*: Trust Territory of Somaliland.

*Netherlands*: Netherlands Antilles.

#### 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.

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*New Zealand*. Ratification: 29 March 1938.  
No declaration.

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

*France*: 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.

*New Zealand*: Cook Islands and Niue, Western Samoa.

#### 50. Recruiting of Indigenous Workers Convention, 1936

*This Convention came into force on 8 September 1939*

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*Belgium*. Ratification: 26 July 1948.  
Applicable without modification: Belgian Congo and Ruanda-Urundi.

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*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: 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 reserved: Basutoland, Bechuanaland, Swaziland.

Applicable without modification: all other non-metropolitan territories.

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

*Belgium.**Belgian Congo and Ruanda-Urundi.*

Decree of 30 June 1954 to amend the Decree of 16 March 1922 respecting employment contracts for indigenous workers.

Decrees consolidated by the Royal Order of 19 July 1954.

Decree of 30 June 1954 to regulate the recruitment and acclimatisation of indigenous workers.

Ordinance No. 22/408 of 12 December 1954 to implement the Decree of 30 June 1954 respecting employment contracts for indigenous workers.

Ordinance No. 21/13 of 8 December 1954 to implement the Decree of 30 June 1954 respecting the recruitment and acclimatisation of indigenous workers.

Legislative Ordinance No. 22/140 of 21 April 1955 to supplement the consolidated decrees on employment contracts.

Ordinance No. 22/241 of 29 June 1955 to issue enforcement measures.

Legislative Ordinance No. 22/236 of 30 June 1955 to supplement the consolidated decrees on employment contracts.

The report states that the amendments made to the Decree of 16 March 1922 should be regarded as a transitional step between the former system and a single legislative system governing the hire of services of both indigenous and non-indigenous workers. The Government's policy is moving in that direction but, in view of the magnitude of this fundamental reform, it can only be applied gradually.

*Article 2, clause (a) of the Convention.* Section 75 of the Decree of 30 June 1954 reproduces the terms of the definition of recruiting given in this Article, viz. "all operations undertaken with the object of obtaining or supplying the labour of persons who do not spontaneously offer their services. . .".

*Clause (b).* Section 1 of the Decree of 30 June 1954 defines indigenous workers, if not in language identical with the definition given in the Convention, at least in synonymous terms: "the term 'worker' shall mean any registered or unregistered indigenous inhabitant of the Congo or neighbouring colonies who pledges his services . . .".

*Article 3.* The Decree of 30 June 1954 regulating recruiting permits the following exemption in section 1: "No recruiting licence is required by any person who recruits on his own behalf less than 25 workers in the course of any one year, or less than 50 porters or paddlers for a period of less than 30 days".

*Article 4, clause (a).* It is prohibited under the Colonial Charter to coerce indigenous inhabitants to work for or on behalf of individuals or companies.

Section 86 of the Royal Order of 19 July 1954 consolidating the provisions relating to employment contracts prescribes penalties for any person using violence, menaces, misleading promises or fraudulent practices either to recruit or to engage indigenous workers.

Section 91 affords special protection with regard to the employment contract.

Section 10 of the Decree of 30 June 1954 on recruiting prohibits chiefs or other indigenous authorities from acting as recruiting agents, exercising pressure upon possible recruits or

receiving any remuneration or other special inducement for assistance in recruiting.

Clauses (b) and (c). The powers of local authorities to restrict recruiting operations have been restated in sections 8 and 9 of the Decree of 30 June 1954 on recruiting.

*Article 6.* Section 2 of the Royal Order of 19 July 1954 prohibits: (1) the recruiting of any non-adult person or, save in the case of emancipation, of any person under 21 years of age, without the express permission of the parent or guardian or, failing such parent or guardian, the representative of the authorities; (2) the recruiting of any non-adult person or person under 16 years of age for heavy or unhealthy work; and (3) the recruiting of any person under 12 years of age.

*Article 12.* Section 1 of the Decree of 30 June 1954 stipulates that no person shall engage in recruiting unless in possession of a recruiting licence.

*Article 14, paragraph 1.* The recruiting licence is personal and non-transferable. Every licensee must inform the District Officer of the territory of the full identity of his assistants. The District Officer may veto the employment of such assistants as he may specify.

*Paragraph 2.* Licensees are responsible for the good behaviour and conduct of their assistants.

*Article 15, paragraph 1.* No person may take part in recruiting operations unless he holds a recruiting licence. However, the requirement of obtaining a licence does not apply to persons who recruit on their own behalf less than 25 workers in the course of any one year or less than 50 porters or paddlers for a period of less than 30 days.

*Paragraph 2.* During the period elapsing between the formation of the recruiting contract and the conclusion of the employment contract, the employer is bound to feed, house and provide medical attention for the recruit and his family.

*Paragraph 3.* The area in which recruiting is to be carried out is specified in the recruiting licence.

*Paragraph 4.* Before his departure every recruited worker is brought before the District Officer of the territory who satisfies himself as to the application of the statutory requirements.

*Article 20.* The safeguards provided for in the Convention are afforded by the legislation in force to the recruit and to his family if the latter accompanies him. The legislative provisions applicable in this respect are section 78, paragraph (3) of the Royal Order of 19 July 1954, and section 78, subsection (1) of the same Order.

*Article 21.* These guarantees are covered by section 78 of the Royal Order of 19 July 1954.

*Article 22.* Upon recruitment the worker is given a document specifying, *inter alia*, the advances of wages he is to be given.

A provision for the protection of workers is included in section 91 of the Royal Order of 19 July 1954.



*New Zealand.**Cook Islands and Niue.*

At 31 March 1955, 290 male labourers employed at Makatea were recruited from the islands of Raratonga, Mauke, Mangaia and Atiu. However, as there is an increased supply of labour available from Tahiti the phosphate company of Makatea will not, it is understood, be seeking further labour from the Cook Islands when the present one-year contracts expire.

*United Kingdom.**Aden.*

During 1954 a total of 482 workers were recruited within the territory for service abroad.

*Brunei.*

Labour Code, 1932 (Enactment No. 4/32).  
Labour (Amendment) Enactment No. 2/34 of 1934.  
Labour (Amendment) Enactment No. 4/38 of 1938.  
Labour Enactment No. 11 of 1954.  
Notification Nos. 18 and 19 of 1955.

*Article 3 of the Convention.* No exemptions have been granted.

*Article 4.* There are provisions for the adoption of rules but none have yet been drawn up.

*Article 5.* Before permission is granted for recruiting operations, these factors are considered by the competent authority.

*Article 6.* Persons under 16 years may be recruited with the consent of the parents or guardians for employment on light work approved by the Controller of Labour.

*Article 7.* Rules may be adopted but none have yet been drawn up.

*Article 9.* Recruitment is prohibited, but exceptions may be allowed.

*Article 10.* Recruitment by the persons stated is prohibited.

*Article 13.* The Controller may, at his discretion, issue a licence if he is satisfied that the applicant is a fit and proper person, that adequate provision has been made for safeguarding the health and welfare of the workers to be recruited, that the applicant is proposing to recruit for a public department or authority or for a specified employer or association of employers, and if any security prescribed has been furnished. No rules have yet been made concerning the remuneration to be paid to the holders of licences. Licences are valid for one year but may be withdrawn or suspended for reasons given in the Convention.

*Articles 15 and 17.* Rules may be adopted but none have yet been drawn up.

*Article 24.* There are no such agreements at present.

*Gold Coast.*

Article 18, paragraph 4 of the Convention is applied by regulation 7 (2) of the Recruiting and Employment of Labourers Regulations, 1948.

During the year ended 31 March 1955, 11 cases involving illegal recruitment were successfully prosecuted before the courts and fines

ranging from £1 to £30, with corresponding terms of imprisonment ranging from 14 days to three months, were imposed. Fines amounting to £114 were collected.

No practical difficulties were encountered in applying the Convention. One licence to recruit 80 labourers was issued during the year. The validity of the licence was extended to 31 December 1954.

*Guernsey (First Report).*

This Convention is inapplicable to the territory by reason of the question with which it deals.

*Hong Kong.*

During the period under review 1,538 workers left the colony for employment overseas.

*Jersey (First Report).*

This Convention is inapplicable to the territory by reason of the question with which it deals.

*North Borneo.*

Labour (Amendment) Ordinance, 1955.

The amendments made were largely on matters of detail.

*Swaziland.*

Swaziland African Labour Proclamation No. 45 of 8 October 1954.  
Government Notice No. 1 of 1955.

*Article 1 of the Convention.* This is applied by Proclamation No. 45 of 1954.

*Article 2.* This is applied by section 2 of Proclamation No. 45 of 1954.

*Article 3.* This is applied by section 3. In regard to clause (a) of this Article the prescribed number of workers is 150; in respect of clause (b) there is no fixed radius.

*Article 4.* There were no special measures necessary in Swaziland during the year under review.

*Article 5.* No special action under this Article was necessary during the year. Section 22 of Proclamation No. 45 of 1954 gives the Resident Commissioner the power to take action if needed.

*Article 6.* This is covered by section 31 of the Proclamation.

*Article 7, paragraph 1.* This is covered by section 27 (1).

Paragraph 2. Local mines, industries and agricultural concerns are encouraged to provide accommodation for workers' families. In many cases, however, the worker's dependants stay behind to look after the home, the fields and the stock.

Paragraph 3. No legal provision exists to ensure that recruited workers are not separated from their families when these have been authorised to accompany them. Administrative action, however, can be taken against an employer who tries to separate a worker from his family and his recruiting licence could also be withdrawn.

Paragraph 4. No legal provision exists to enforce this paragraph but the action described in the previous paragraph could be taken.

*Article 8.* This is covered by section 22 (2) of the Proclamation.

*Article 9.* This is covered by section 4 (1).

*Article 10.* This is covered by section 4 (2).

*Article 11.* This is covered by section 5.

*Article 12.* This is covered by section 5.

*Article 13,* paragraphs 1 to 6. These paragraphs are covered respectively by sections 15 (1), (2) and (3), 4 and 16.

*Article 15.* It has not been found necessary to allow worker-recruiters to be exempt from licence fees and there is thus no provision in the Proclamation for this.

*Article 16.* This is covered by section 28 (3) and (5).

*Article 17.* This is covered by section 29.

*Article 18, paragraph 1.* These paragraphs are covered respectively by sections 30 (1), (2), (3) and (4).

*Article 19.* This is covered by section 35.

*Article 20.* This is covered by section 23.

*Article 21.* This is covered by section 36.

*Article 22.* This is covered by section 24.

*Article 23.* This is covered by section 36 (2).

*Article 24.* This is covered by sections 3 and 5.

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

*New Zealand:* Western Samoa.

*United Kingdom:* Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, Cyprus, Dominica, Gibraltar, Grenada, Leeward Islands, Federation of Malaya, Malta, Nigeria, Nyasaland, St. Helena, St. Vincent, Sarawak, Seychelles, Southern Rhodesia.

## 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 : Faroe Islands.

*France.* Ratification : 23 August 1939.  
No declaration.

*Italy.* Ratification : 22 October 1952.  
No declaration.

*New Zealand.* Ratification : 10 November 1950.  
Not applicable : all non-metropolitan territories.

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*France.*

*Algeria.*

Generally speaking, the labour inspectors seldom had to intervene to investigate the non-payment of workers' holidays with pay. Requests to carry over holidays are received in ever greater numbers. The report states that it is unfortunately becoming a usual practice to forgo holidays with pay in return for a cash payment, and that it is practically impossible to prevent such a regrettable state of affairs, a sign of the instability of purchasing power.

The regulations concerning annual holidays with pay cover 250,252 adults and 22,581 children. During the period under review 872 infringements were reported and proceedings were instituted in 153 cases.

*Cameroons.*

Ministerial Order of 16 April 1954 respecting the right to a holiday, promulgated in the Cameroons by Order No. 2964 of 28 April 1955.  
Order No. 4914 of 5 October 1953 respecting the obligation of the employer to keep a register.

In application of the provisions of section 124 of the Act of 15 December 1952 the worker receives an allowance at least equal to the wages and allowances which he received during the 12 months preceding the date of his departure on leave, excluding the output bonuses and allowance for travelling from a distance provided under section 94 of the Act in question.

*Comoro Islands* (First Report).

Order No. 54-81/C of 12 May 1954.

The above Order prescribes the conditions for the grant of annual holidays with pay to the various classes of workers, taking into account their age and customary place of residence. In 1954 all workers received paid annual leave; the works rules in each undertaking specify the period during which the staff may take their holidays.

*French Equatorial Africa.*

The regulations apply without distinction to all workers in all trades, including the government service. Annual holidays with pay must be given at the rate of not less than one day for each month of service. The pay must be equal to that received by the worker while in the job with the exception of output bonuses and, where payable, the separation allowance instituted under section 94 of Act No. 52-1322 of 15 December 1952.

The holiday is a right which may in no circumstances be relinquished; it is forbidden even to pay compensation in lieu of the holiday. A cash payment may only be made if the worker loses his job for a reason attributable to the employer. The worker's right to a

holiday can be ascertained from the employer's books. Penalties are provided in the event of breaches of the law.

During the period under review the labour courts gave 52 verdicts ordering employers to give their workers holidays with pay.

#### *French Settlements in Oceania.*

The persons employed in undertakings or institutions where only members of the employer's family are employed are not covered by the provisions of the Act of 15 December 1952. Family undertakings thus compete to a dangerous extent with similar undertakings which employ paid staff.

The national legislation does not allow the annual holiday with pay of 12 days to be split up, but in practice, in all the small undertakings, it is impossible to prevent the employer and his employee from coming to an agreement on this point.

#### *French West Africa.*

Act No. 52-1322 of 15 December 1952, section 124 as amended (L.S. 1952-Fr. 5).

Ministerial Order of 13 July 1955 to fix minimum rates for the allowances provided for in section 94 of the above-mentioned Act.

The employer is legally bound to pay a worker throughout the length of his holiday a sum at least equal to the wage and allowances, excluding output bonuses and the allowance for a worker living at a distance from his place of work, earned by the worker in the 12 months preceding the beginning of the holiday.

The Ministerial Order cited above determined the cases in which allowances are due to offset the additional expenses and risks referred to in section 94, paragraph 1, of the Act of 15 December 1952.

#### *Morocco.*

During the period covered by the report 848 infringements were discovered and 164 were reported to the law enforcement authorities.

#### *New Zealand.*

#### *Cook Islands and Niue.*

Persons employed by the Administration receive paid holidays, whether engaged in agricultural or any other type of work.

#### *Western Samoa.*

Civil servants belonging to the Administration receive paid holidays in line with those prevailing in the New Zealand Civil Service, i.e. two weeks' annual holidays during the first ten years of service, thereafter three weeks. In some commercial establishments a paid holiday of two weeks for permanent employees is allowed. Casual daily workers are not paid for statutory holidays, nor is payment usual in the case of plantation labourers. Labourers employed by government departments are paid for these holidays after 12 months' service. Workers paid by the week or month are normally given such holidays without deduction from pay.

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

*Denmark:* Faroe Islands, Greenland.

*France:* French Guiana, French Somaliland, Guadeloupe, Madagascar, Martinique, New Caledonia, Réunion, St. Pierre and Miquelon, Togoland.

*Italy:* Trust Territory of Somaliland.

### 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 reserved : Belgian Congo and Ruanda-Urundi.

*Denmark.* Ratification : 13 July 1938.  
Applicable without modification : Faroe Islands.  
Not applicable : Greenland.

*France.* Ratification : 19 June 1947.  
Applicable without modification : French Guiana, Guadeloupe, Martinique, Réunion.  
No declaration : all other non-metropolitan territories.

*Italy.* Ratification : 22 October 1952.

No declaration.

*New Zealand.* Ratification : 29 March 1938.

No declaration.

*United States.* Ratification : 29 October 1938.  
Applicable without modification : Alaska, Guam, Hawaii, Puerto Rico, American Samoa, Virgin Islands.  
Decision reserved : Panama Canal Zone.  
No declaration : Trust Territory of Pacific Islands.

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#### *Belgium.*

*Belgian Congo and Ruanda-Urundi.*

See under Convention No. 7.

#### *France.*

#### *Algeria.*

See under Convention No. 8.

#### *French Guiana.*

See under Convention No. 8.

#### *French West Africa.*

The recasting of the legislation on this subject, which has already been announced, is now being examined by the Department.

Captains and officers in the merchant navy who are at present on board ships of the Federation hold the corresponding certificates awarded in France.

#### *Guadeloupe.*

See under Convention No. 8.

#### *Martinique.*

See under Convention No. 8.

*Morocco.*

The report cites the provisions of sections 53, 53 *bis*, 53 *ter*, 53 *quater*, 54, 55 and 56 of the Moroccan Merchant Shipping Code.

A scheme of training for sea-going personnel is now being organised in Morocco. The qualifications required of persons who are candidates for the Moroccan certificates provided for in the legislation have not yet been finally determined.

The Moroccan legislation is modelled on the corresponding provisions of French legislation, though an attempt has been made to simplify them and make them more flexible.

*New Caledonia.*

Order of 3 September 1955 to issue regulations for competency and other certificates.

The above text has repealed and replaced the local Order of 8 February 1915.

*Réunion.*

See under Convention No. 8.

*St. Pierre and Miquelon.*

Order of 27 May 1955 to amend the local Order of 12 September 1932, regulating the issue of masters' certificates in the territory for long distance colonial coastal shipping, etc.

*New Zealand.**Cook Islands and Niue.*

There are at present no ports of registry in the Cook Islands. Any ship which is owned by

British subjects is required to be registered in New Zealand or in another country of the British Commonwealth. This requirement would apply in the case of any ship connected with the Cook Islands which came within the description contained in Article 1 of the Convention. The Convention is therefore inapplicable to the Cook Islands; but the position will be reconsidered if ports of registry are established in the territory.

*Western Samoa.*

The Port Control Ordinance, 1932, indicates that a number of the requirements of the Convention are met by the legislation of the territory. Proposals to amplify these provisions will be made when opportune.

*United States.**Panama Canal Zone.*

The question of making the Convention applicable to the Panama Canal Zone is at present being studied in the light of the special status of this territory.

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

*Denmark* : Faroe Islands, Greenland.

*France* : Cameroons, French Equatorial Africa, French Settlements in Oceania, French Somaliland, Madagascar, Togoland.

*Italy* : Trust Territory of Somaliland.

## 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 reserved : Belgian Congo and Ruanda-Urundi.

*France.* Ratification : 19 June 1947.  
Applicable without modification : French Guiana, Guadeloupe, Martinique, Réunion.  
No declaration : all other non-metropolitan territories.

*Italy.* Ratification : 22 October 1952.  
No declaration.

*United States.* Ratification : 29 October 1938.  
Applicable without modification : Alaska, Guam, Hawaii, Puerto Rico, American Samoa, Virgin Islands.  
Decision reserved : Panama Canal Zone.  
No declaration : Trust Territory of Pacific Islands.

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*Belgium.**Belgian Congo and Ruanda-Urundi.*

See under Convention No. 7.

*France.**Algeria.*

See under Convention No. 8.

*French Equatorial Africa.*

There are no shipowners in the Federation and seafarers are protected by French regulations on the subject.

*French Guiana.*

See under Convention No. 53, *Guadeloupe*.

*French Somaliland.*

Act No. 52-1322 of 15 December 1952 to establish a Labour Code in the Territories and Overseas Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

Ships commissioned in Djibouti are subject to the above Act and to the regulations issued under it.

*French West Africa.*

The application of the provisions of the Convention is the subject of a study which is being examined by the Department.

At present, under collective agreements any sick or injured seaman is looked after for not more than four months by the shipowner.

*Guadeloupe.*

See under Convention No. 53.

*Martinique.*

See under Convention No. 53, *Guadeloupe*.

*Morocco.*

The report cites the provisions of sections 189 to 192 *bis* of the Moroccan Merchant Shipping Code, which lay down the obligations of the shipowner towards a seaman who is injured or falls ill in the service of the ship, as well as in case of death.

*Réunion.*

See under Convention No. 53, *Guadeloupe*.

*United States.**Panama Canal Zone.*

See under Convention No. 53.

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

*France*: Cameroons, French Settlements in Oceania, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland.

*Italy*: Trust Territory of Somaliland.

## 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 reserved: Belgian Congo and Ruanda-Urundi.

*France.* Ratification: 9 December 1948.

Applicable without modification: French Guiana, Guadeloupe, Martinique, Réunion.

No declaration: all other non-metropolitan territories.

*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: Southern Rhodesia.

Decision reserved: all other 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. 7.

*France.**Algeria.*

See under Convention No. 8.

*French Equatorial Africa.*

See under Convention No. 55.

*French Guiana.*

See under Convention No. 53.

*French West Africa.*

See under Convention No. 55.

*Guadeloupe.*

See under Convention No. 53.

*Martinique.*

See under Convention No. 53.

*New Caledonia.*

The number of seafarers covered by insurance during the period under review was about 200 (as against 400 during the period 1 July 1953 to 30 June 1954); the General Provident Fund paid out benefits to seafarers and their

families to an amount of 1,088,619 francs (1,767,481 francs during the preceding period).

The Government states that this decrease is due to the fact that before 1954 all seafarers belonged to the Fund and were entitled to draw sickness insurance benefits from it, whereas the only persons now belonging to the Fund and drawing benefits from it are those registered with the maritime authority (about 170). Other seafarers belong to the Fund only if the companies employing them applied for membership before 1 October 1953. Persons not so registered and not belonging to the Fund are consequently covered under the conditions laid down by Act No. 52-1322 establishing the Overseas Labour Code.

*Réunion.*

See under Convention No. 53.

*United Kingdom.**Barbados.*

See under Convention No. 24.

*Basutoland.*

See under Convention No. 7.

*Bechuanaland.*

See under Convention No. 7.

*Cyprus.*

See under Convention No. 24.

*Guernsey (First Report).*

For legislation see under Convention No. 35.

*Article 1 of the Convention.* The provisions of the Convention are to some extent applied by the Guernsey Contributory Pensions Law which provides benefit in case of injury by accident, but not for sickness. In its general application the law covers compulsory contributors, that is all persons employed under a contract of service or apprenticeship, and also persons who have ceased being compulsory contributors but who have elected to become voluntary contributors. It applies, to the same extent and in the same manner as to other persons, to fishermen and other seafaring persons who are Guernsey-born or resident there since the age

of 10 years, work on a vessel owned wholly by residents of Guernsey or registered there, do not ordinarily proceed in their work more than 150 miles distant from Guernsey, work on their own account or for an employer within Guernsey's jurisdiction as regards payment of contributions, and are not entitled to equivalent benefits under the law of another jurisdiction. Persons whose usual earnings exceed £8 per week are not covered. Persons below school-leaving age are also excluded, while benefits are not payable to persons who attain the age of 70 before the risk occurs. Children of an employer are exempt if the latter guarantees that certain financial safeguards will be available to them in case of accident. The scheme also excludes Crown employees entitled to sick pay.

*Article 2.* Cash benefit is payable so long as an insured person is wholly incapacitated as the result of an accident or, if partially incapacitated, for so long as he suffers a loss of earnings. There is no waiting or qualifying period. Benefit is withheld from persons in hospital at the expense of the scheme, although in this case benefit is payable in respect of dependants. Benefit may also be disallowed in whole or in part if an injury is attributable to gross and wilful misconduct or drunkenness on the part of the insured person.

*Article 3.* The States Insurance Authority pays the fee for the first attendance by a doctor of an insured person injured by accident. It is also empowered at its discretion to pay for subsequent medical attendance and, in the case of an insured person whose capacity for work can be wholly or partly restored, to pay all expenses incurred to that end. Under provisions of the Merchant Shipping Acts, which apply to Guernsey, employers must carry medical stores and a book of instructions on board ship. Since Guernsey ships do not carry surgeons, if necessary the master of a ship attends seamen who are injured. Employers must also meet charges for surgical and medical advice and attendance and medicines, and also the expenses of seamen left outside Guernsey on account of sickness.

*Article 4.* An insured person is entitled to draw benefit although abroad. Accident benefit is increased by 16s. per week for a dependent spouse, and by 7s. 6d. per week for the first or only child. There is no provision for aid in case of sickness of family members.

*Article 5.* Maternity benefit is not provided.

*Article 6.* A lump-sum grant is payable on the death of an insured person if death is due to injury by accident. In addition, a pension may be payable to the survivors of deceased seamen.

*Article 7.* Accident benefit is paid so long as an insured person is totally disabled or, if partly disabled, for so long as he suffers a loss of earnings owing to his injuries.

*Article 8.* See under Convention No. 35, Article 9.

*Article 9.* See under Convention No. 35, Article 10.

*Article 10.* An insured person who is dissatisfied with a benefit decision of the Insurance Authority may appeal to the Royal Court of Guernsey.

While exact statistics are not available, it is doubtful whether more than 20 seamen are insured.

*Jersey (First Report).*

For legislation see under Convention No. 24.

*Article 1 of the Convention.* All persons employed under a contract of service, either as a master or member of the crew of any Jersey ship, are, together with certain persons employed in other capacities, insured under the legislation which provides for compulsory insurance against sickness. Persons employed on non-Jersey ships are required to insure if the contract of employment is entered into in Jersey and the owner has a place of business in the Island. Persons who are neither domiciled nor have a place of residence in Jersey are not insurable (although their employer must pay contributions in respect of them), nor are persons below school-leaving age or over pensionable age.

*Article 2.* After an insured person has paid 26 weekly contributions, he becomes entitled to 312 days (i.e. 52 weeks) of sickness benefit in any one period of interruption of employment. When right to benefit is exhausted he can requalify after being back at work for 13 weeks. Seamen receive their benefits under the general scheme at the same rates as other workers. They may receive benefit if they are left outside the Island on account of any hurt or injury received, or any illness, for the purposes of preventing infection, or for any other purpose, and if they subsequently fall sick, provided they notify the appropriate authority within a prescribed time. Benefit is reduced while a person is receiving free treatment in a hospital or similar institution, but may not be below 6s. 6d. a week. It may also be reduced or withheld if the claimant is receiving another insurance benefit. A person may be disqualified for up to six weeks if he becomes incapable of work through misconduct, fails without good cause to submit himself for medical examination or treatment, or fails to observe certain rules of behaviour.

*Article 3.* There is no scheme in force which provides free medical or hospital treatment.

*Article 4.* Payment of benefit due to a seaman while he is outside Jersey is ordinarily suspended until his return, unless he nominates a person in Jersey to receive it for him. Benefits are increased by 21s. 6d. per week in respect of an adult dependant, and by 10s. 6d. per week in respect of the first or only child. Younger children are already provided for under the family allowance scheme.

*Article 5.* No provision is made for maternity benefits. Where a doctor certifies that a woman will be confined and she claims benefit thereafter, however, the claim can be treated as a claim for sickness benefit, beginning with the second week before the expected week of

confinement and ending two weeks after the date of confinement. A woman is exempted from liability to pay contributions during these four weeks. The normal rate of benefit is 32s. 6d. per week.

*Article 6.* No death grant is payable, but widows of seamen are entitled, subject to appropriate contribution conditions being satisfied, to widows' benefits.

*Article 7.* Payment of benefit depends on the record of contributions paid or credited during the 12 months before the benefit year begins. For full benefit a total of 50 weekly contributions paid or credited is required; a reduced benefit is payable if between 26 and 49 contributions have been paid or credited.

*Article 8.* See under Convention No. 24, Article 7.

*Article 9.* See under Convention No. 24, Article 6.

*Article 10.* See under Convention No. 24, Article 9.

The report states that the existing scheme is believed to work satisfactorily, though its application is greatly limited by the small number of ships registered in Jersey.

*Southern Rhodesia.*

See under Convention No. 7.

*Swaziland.*

The report states that maritime Conventions are inapplicable as Swaziland has no seaboard.

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

*France:* Cameroons, French Settlements in Oceania, French Somaliland, Madagascar, Morocco, St. Pierre and Miquelon, Togoland.

*United Kingdom:* Aden, Bahamas, Bermuda, British Guiana, British Honduras, British Somaliland, Brunei, Dominica, Gibraltar, Gold Coast, Grenada, Hong Kong, Leeward Islands, Federation of Malaya, Malta, Nigeria, North Borneo, Nyasaland, St. Helena, St. Vincent, Sarawak, Seychelles.

## 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 reserved : Belgian Congo and Ruanda-Urundi.

*Denmark.* Ratification : 4 June 1955.  
Not applicable : Faroe Islands.  
No declaration : Greenland.

*France.* Ratification : 9 December 1948.  
Applicable without modification : French Guiana, Guadeloupe, Martinique, Réunion.  
No declaration : all other non-metropolitan territories.

*Italy.* Ratification : 22 October 1952.  
No declaration.

*Netherlands.* Ratification : 8 July 1947.  
No declaration.

*New Zealand.* Ratification : 7 June 1946.  
No declaration.

*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, Federation of Malaya, Malta, Nigeria, Nyasaland, St. Lucia, St. Vincent, Sarawak, Singapore, Tanganyika, Trinidad and Tobago.

Not applicable : Basutoland, Bechuanaland, Northern Rhodesia, Southern Rhodesia, Swaziland.

Decision reserved : Bermuda, Brunei.  
No declaration : British Somaliland, Channel Islands, Isle of Man.

*United States.* Ratification : 29 October 1938.  
Applicable without modification : Alaska, Guam, Hawaii, Puerto Rico, American Samoa, Virgin Islands.  
Decision reserved : Panama Canal Zone.  
No declaration : Trust Territory of Pacific Islands.

*Belgium.*

*Belgian Congo and Ruanda-Urundi.*

See under Convention No. 7.

*France.*

*Algeria.*

See under Convention No. 8.

*French Equatorial Africa.*

See under Convention No. 15.

*French Guiana.*

See under Convention No. 53, *Guadeloupe*.

*French West Africa.*

All the provisions of the Convention are applicable under the regulations of the Federation. There would therefore be no drawback to the promulgation of the text of the Convention.

*Guadeloupe.*

See under Convention No. 53.

*Martinique.*

See under Convention No. 53, *Guadeloupe*.

*Réunion.*

See under Convention No. 53, *Guadeloupe*.

*Netherlands.*

*Netherlands New Guinea.*

See under Convention No. 16.

<sup>1</sup> This Convention revises the 1920 Convention. See Convention No. 7.

<sup>2</sup> Unratified Convention. See footnote 2 to Convention No. 8.

*Surinam.*

Child labour at sea does not occur.  
See also under Conventions Nos. 6 and 15.

*United States.**Panama Canal Zone.*

See under Convention No. 53.

The reports from the following countries either

reproduce or refer to the information previously supplied :

*France*: Cameroons, French Settlements in Oceania, French Somaliland, Madagascar, Morocco, New Caledonia, St. Pierre and Miquelon, Togoland.

*Italy*: Trust Territory of Somaliland.

*Netherlands*: Netherlands Antilles.

*New Zealand*: Cook Islands and Niue, Western Samoa.

59. Minimum Age (Industry) Convention (Revised), 1937<sup>1</sup>

*This Convention came into force on 21 February 1941*

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*Italy*. Ratification: 22 October 1952.

No declaration.

*New Zealand*. Ratification: 8 July 1947.

No declaration.

*United Kingdom*.<sup>2</sup>

Applicable without modification: Aden, Bechuanaland, Fiji, Gambia, Gold Coast, Kenya, Mauritius, Solomon Islands, Tanganyika, Zanzibar.

Decision reserved: Brunei.

No declaration: British Somaliland, Channel Islands, Isle of Man.

Applicable with modification: all other non-metropolitan territories.

*New Zealand*.

*Cook Islands*.

See under Convention No. 10.

*Western Samoa*.

See under Convention No. 10.

The report from *Italy* with regard to the Trust Territory of Somaliland refers to the information previously supplied.

<sup>1</sup> This Convention revises the 1919 Convention. See Convention No. 5.

<sup>2</sup> Unratified Convention. See footnote 2 to Convention No. 8.

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.

*New Zealand*. Ratification: 8 July 1947.

No declaration.

*Western Samoa*.

See under Convention No. 10.

The report from *Italy* with regard to the Trust Territory of Somaliland refers to the information previously supplied.

<sup>1</sup> This Convention revises the 1932 Convention. See Convention No. 33.

*New Zealand*.

*Cook Islands*.

See under Convention No. 10.

## 61. Reduction of Hours of Work (Textiles) Convention, 1937

*This Convention is not yet in force*

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*New Zealand*. Ratification: 29 March 1938.

No declaration.

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*New Zealand*.

*Cook Islands* (Voluntary Report).

See under Convention No. 1.



## 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 : Belgian Congo and Ruanda-Urundi.

*France.* Ratification : 16 December 1950.  
Applicable without modification : French Guiana, Guadeloupe, Martinique, Réunion.  
No declaration : all other non-metropolitan territories.

*Netherlands.* Ratification : 2 May 1950.  
Applicable without modification : Surinam.  
Not applicable : New Guinea.  
Decision reserved : Netherlands Antilles.

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*Belgium.*

*Belgian Congo and Ruanda-Urundi.*

The possible application of this Convention to non-metropolitan territories will be examined in the near future.

The safety of operations in the building industry is dealt with in Ordinance No. 23/41 of 5 November 1953, as amended by Ordinance No. 22/275 of 15 August 1955. The latter enactment makes the provisions of the former applicable to civil engineering work.

The report states that the legislation has been largely based upon the provisions of Convention No. 62 and Recommendation No. 53.

*France.*

*Algeria.*

Order of 2 September 1954.

The number of persons employed in the building industry was 156,238. During the period under review 2,680 accidents were reported, ten of which were fatal. The principal causes of these accidents were : collapse of earth (1,191), falls from ladders (384), handling of heavy loads (356), hand tools (113), incandescent material (96), moving vehicles (91) and machine tools (42).

The report regrets the widespread ignorance of the dangers inherent in the building trades. The number of accidents has greatly decreased compared with the previous year, but they are not always due to a disregard for labour legislation. Building sites, on which safety conditions are constantly changing and where complete negligence is shown for safety regulations, are closely supervised by the labour inspectors. The report states that the health and safety committees only too often fail to play the part expected of them because of the indifference shown by employers and workers. The establishment of a joint organisation for the building trades by the Order cited above will certainly be beneficial and will mark a further step forward in the prevention of accidents in the building trades and public works.

*Cameroons.*

Order No. 3323 of 28 June 1954 to fix the general hygiene and safety measures applicable in undertakings in the Cameroons.

Order No. 3364 of 30 June 1954 to determine the conditions for installing sick bays, first-aid rooms for dressings and first-aid boxes in undertakings, and for supplying them with medicaments and materials for dressings.

In 1954, with a total force of 19,000 workers in the building industry, 973 industrial accidents were recorded, of which 232 were caused by vehicles on the ground, 158 by handling materials, 185 by falls of different objects and 95 by falls and slips.

*French Equatorial Africa.*

Order No. 3758/IGT of 25 November 1954 respecting general health and safety requirements in agriculture, forestry, industry and commerce and in similar government establishments.

The above legislation was issued in pursuance of section 134 of Act No. 52-1322 of 15 December 1952.

For the enforcement of the legislation see under Convention No. 15.

*French Guiana.*

*Article 16 of the Convention.* The metropolitan legislation makes it compulsory to keep personal safety equipment available for the workers, but does not require them to use this equipment.

*French Settlements in Oceania.*

During 1954 there were 30 accidents in the building industry, one of which was fatal.

The trade unions have made a number of observations with regard to the practical application of the provisions of the regulations.

*French West Africa.*

General Order No. 5253/IGTLS. AOF of 19 July 1954 to lay down general health and safety measures to be applied in French West Africa to workers in undertakings of all kinds.

The legislation cited above specifically announces the introduction of a General Order laying down special safety and health measures to be applied on construction sites in building and public works. This Order is to be published in the second half of 1955.

*Guadeloupe.*

Two reports of contraventions of the provisions concerning scaffolds were made by the inspection service during the period under review.

*Madagascar.*

Order No. 2187/IGT of 5 November 1954 to lay down health and safety measures for the protection of workers.

The requirements of the Convention are met by sections 15, 16, 17, 18 and 21 of the above Order.

*Martinique.*

Between 3,500 and 4,000 wage earners are employed in building and public works. During the period under review 3,446 accidents occurred to workers employed in building. A total of 607 accidents did not involve any interruption of work, 2,838 involved an interruption of more than 24 hours, and one was fatal. In 990 cases the workers were injured in the feet (a large number of workers still work bare-footed). There were 423 accidents to eyes. The report states that it frequently occurs that employers do not apply the safety regulations laid down in the legislation; the wage earners themselves are frequently imprudent.

*Morocco.*

Order of the Vizier of 9 September 1955 to provide for special safety measures in respect of hoisting appliances other than passenger and goods lifts.

The report cites in detail the general provisions of the regulations on scaffolding, hoisting appliances, protective equipment and first aid.

The supervision of the application of labour legislation is the responsibility of labour inspectors and supervisors.

In 1954 there were 7,456 accidents (129 fatal) in earth-moving and construction undertakings.

*New Caledonia.*

With a total of about 800 building workers, there were 150 industrial accidents.

The Technical Advisory Committee was engaged in drafting adequate regulations with regard to safety and hygiene in undertakings; in the course of its work it prepared a draft Order fixing safety rules for all branches of activity, including mines.

This draft Order, after the employers' and workers' organisations have been consulted, is to be published in the near future. The report quotes the principal relevant provisions of the Order.

*Réunion.*

Labour Code, in particular Book II, Title II.

Decree of 9 August 1925 respecting the safety and health measures to be taken on building sites and in public works.

Decree of 23 August 1947 respecting the special safety measures to be taken with hoisting gear other than lifts.

The report states that the metropolitan legislation is applied and quotes the various sections corresponding to the Articles of the Convention.

During 1953 the building industry and public works were the scene of 13 fatal accidents (due to a lorry accident), 18 accidents resulting in permanent physical incapacity, 472 in temporary physical incapacity and 143 which did not entail any absence from work. The number of workers employed in December 1954 was 3,000. It should, however, be noted that only 20 public works and building contractors' firms are duly registered.

As a general rule it was found that only some, if any, of the safety measures were applied. This is explained by the fact that the work is done by craftsmen and also by the fact that the workers, and even some of the employers, have no more than a rudimentary knowledge of their trade. It is consequently difficult to enforce the prescribed safety measures, since it is not easy to convince the workers and employers of their value and to explain exactly how they ought to be applied.

The work sites were supervised by two labour inspectors.

Court proceedings were instituted during 1954 against four building contractors' firms who failed to take essential safety precautions.

*Togoland.*

Orders Nos. 885-55, 886-55, 887-55, 888-55, 889-55/ITLS of 28 October 1955 respecting medical and health services of the undertaking.

The Technical Advisory Committee met in September 1955 to examine questions concerning the health and safety of workers.

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

*France:* French Somaliland, St. Pierre and Miquelon.

### 63. Convention concerning Statistics of Wages and Hours of Work, 1938

*This Convention came into force on 22 June 1940*

*Australia.* Ratification <sup>1</sup>: 5 September 1939.  
No declaration.

*Denmark.* Ratification <sup>2</sup>: 22 June 1939.  
Not applicable: Greenland.  
No declaration: Faroe Islands.

*France.* Ratification: 28 June 1951.  
Not applicable: French Guiana, Guadeloupe, Martinique, Réunion.  
No declaration: all other non-metropolitan territories.

*Netherlands.* Ratification: 9 March 1940.  
No declaration.

*New Zealand.* Ratification <sup>1</sup>: 18 January 1940.  
Not applicable: all non-metropolitan territories.

*Union of South Africa.* Ratification <sup>3</sup>: 8 August 1939.  
Not applicable: South West Africa.

*United Kingdom.* Ratification: 26 May 1947.  
Applicable *ipso jure* without modification <sup>4</sup>: Channel Islands, Isle of Man.  
No declaration: all other non-metropolitan territories.

<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.

*France.*

*Algeria.*

Very considerable progress has been made during the period under review. It has been decided that the labour inspection service should

carry out a six-monthly survey of employment and wages in the major industries. This survey will use sampling techniques and will cover the whole territory; a questionnaire has been prepared by the Algerian Labour Inspectorate and the General Statistical Service, and the first survey was held at the end of the first half of 1955. Nearly 1,700 questionnaires were sent out and are now being examined. The results and any relevant details of the methods used will be published as soon as possible. A second survey is due to be held in November 1955.

#### *Cameroons.*

Order No. 139/CTP of 31 July 1953 to fix the methods of enforcing hours of work and the exemptions from legal hours of work provided under section 112 of Act No. 52-1322 of 15 December 1952.

The Labour Inspectorate has means available for supervising hours of work in undertakings; thus, heads of undertakings who wish to take advantage of the exemptions provided by the above-mentioned Order are required to notify the Inspector of Labour and Social Legislation in advance, indicating in particular the kind of work done, the time-tables proposed, and the number of workers.

#### *French Equatorial Africa.*

Owing to the shortage of staff the Labour Inspectorate has not hitherto been able to compile statistics as detailed as those required by the Convention.

For the enforcement of the regulations see under Convention No. 15.

#### *French Guiana.*

The Labour Inspectorate keeps up to date several series of statistics with regard to the cost of living and employment; owing to the division of the duties of the Inspectorate among a large number of services, no statistics of average wages are kept. Most of the information with regard to wages is not supervised by the Labour Inspectorate.

#### *French Settlements in Oceania.*

The Labour Advisory Committee has recommended that a central statistical service should be established.

#### *French West Africa.*

Act No. 52-1322 of 15 December 1952, sections 145 and 170 (L.S. 1952—Fr. 5).

Decree No. 46-721 of 15 April 1946 respecting the organisation and operations of the overseas statistical service, promulgated by General Order No. 3819/AP/1 of 5 September 1946.

Ministerial Circular No. 17/CTMO/2 of 9 July 1953.

The statistics of wages and hours of work have to be compiled jointly by the Inspectorate of Labour and Social Legislation and the General Statistical Service.

General Order No. 2126/IGTLS. AOF of 22 March 1954, which was cited in a previous report, made arrangements for the lodging at regular intervals of a declaration relating to the manpower position. The items to be covered by the declaration include the duration of the period of full employment, the duration of the period of normal reduction of activity, the

numbers employed, average hours of work, and details and total amount of the wages paid.

The Ministerial Circular cited above specifies that the declarations are to be registered, checked and, if necessary, corrected and supplemented by the local labour inspector, who is to keep one copy. The other copy is to be forwarded to the statistical service of the particular territory. The statistical service will decide on an identity number for the establishment and will analyse the figures sent in, with the help of calculating machines. It is to draw up a statement for labour inspectors, giving the identity numbers of the establishments in their areas, and is to compile a summary abstract at intervals.

Beginning in 1956 the Inspectorate of Labour and Social Legislation and the General Statistical Service will be able to supply at intervals, at any rate every year, most of the statistics required under the Convention.

#### *Guadeloupe.*

The Labour Inspectorate does not possess any statistics relating to the subject matter of the Convention.

#### *Réunion.*

Labour Code, Book I, Title III, and Book II, Chapter II of Title I, respecting wages and hours of work.

Decree of 19 October 1951 to fix the guaranteed inter-occupational minimum wage in the Department of Réunion.

Since the Act of 11 February 1950 respecting collective agreements came into force, wages have been fixed by collective agreements or wage agreements; only the guaranteed inter-occupational minimum wage is fixed by the Government.

There are two main reasons why it is difficult to carry out inquiries in agriculture: there are no regulations and no employment rules for grading tasks and fixing job rates. The minimum wage in agriculture is fixed at 262.50 francs per day, but the actual rates paid mostly vary between 150 and 200 francs; the daily worker, owing mainly to possible unemployment, is obliged to accept this abnormally low wage rate. Furthermore, the roads which give access to the agricultural properties are barely possible for vehicles. However, inquiries have been carried out with regard to payment-by-the-job of agricultural workers; these inquiries have shown that most of the work done was paid by the job at a rate which varied considerably between one property and another.

See also under Convention No. 26.

#### *Netherlands.*

##### *Netherlands Antilles.*

A monthly bulletin is issued by the Statistical Office, covering wages *inter alia*. Hours of work have been fixed statutorily at 45 or 48 for nearly all forms of employment.

#### *Surinam.*

In so far as data concerning wages are available, they are communicated to the I.L.O. Hours of work are limited by law to 8½ a day and 48 a week; a permit may, however, be

obtained from the Director of Social Affairs to allow work to be carried on for 64 hours a week. Enforcement is the responsibility of the Labour Inspectorate. Statistics will be communicated when received.

#### *United Kingdom.*

##### *Guernsey (First Report).*

The report states that Guernsey has no mining industry, little or no manufacturing, a building and construction industry of only local importance and a small agricultural industry.

Statistics in the form envisaged by the Convention are not compiled.

##### *Jersey (First Report).*

Jersey has no mining industry, little or no manufacturing industry, and its building and construction industry is confined to insular

requirements. The Convention is therefore considered to be applicable only to agriculture.

The number of workers engaged in agriculture constantly throughout the year is not very large and no statistics for such workers are compiled. The majority of workers in agriculture are employed seasonally.

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

*Australia:* Nauru, New Guinea, Norfolk Island, Papua.

*Denmark:* Faroe Islands, Greenland.

*France:* French Somaliland, Madagascar, Martinique, Morocco, New Caledonia, St. Pierre and Miquelon, Togoland.

*New Zealand:* Cook Islands and Niue, Western Samoa.

## 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 : Belgian Congo and Ruanda-Urundi.

*New Zealand.* Ratification : 8 July 1947.  
Applicable without modification : Cook Islands, Western Samoa.  
No declaration : 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 reserved : Bahamas, Barbados, Bermuda, North Borneo.

No declaration : Southern Rhodesia.

Applicable without modification : all other non-metropolitan territories.

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

#### *Belgium.*

##### *Belgian Congo and Ruanda-Urundi.*

For legislation see under Convention No. 50.

Pending the drafting of a fundamental charter for the hire of services, applicable both to indigenous and non-indigenous inhabitants, the legislative authority has carried out a revision of the Decree of 16 March 1922 respecting employment contracts. The major amendments made to this legislation by the Decree of 30 June 1954 (consolidated by Royal Order of 19 July 1954) may be summarised as follows :

(a) The Governor-General has received authority to abolish the imposition of penal servitudes as the principal penalty applicable to infringements with wrongful intent of the obligations imposed by the Decree, the Convention or by customary usage, in connection with the performance of a labour contract. Moreover, this penalty has been reduced to a maximum of one month for the aforementioned offences and has been abolished for serious or repeated breaches of labour discipline.

The Government's policy has therefore effectively progressed in the direction of complete

abolition of penal sanctions in connection with contracts of employment. It would have been unwise to introduce this far-reaching reform in one step.

The areas in which penal servitude for non-performance of the employment contract is now abolished were specified in Ordinance No. 22/241 of 29 June 1955.

(b) Increased protection has been given to minors by substituting a minimum age for the notion of "adult worker". It is prohibited and made a punishable offence to engage any indigenous worker under 12 years of age. Indigenous workers under 16 years of age can only be assigned to light and healthy work authorised by the Labour Inspectorate.

(c) A compulsory scheme for holidays with pay has been organised. Henceforward a worker is entitled to six days' leave a year if he has completed at least one year's uninterrupted service. The amount of the daily leave allowance is equal to the daily wage. When the worker has been in service for 18 months, the leave allowance is increased by a regularity bonus of the same amount as the wage.

(d) The weekly rest and official holidays are made compulsory. This rule is more liberal than the 1922 Decree which made provision for four rest days per month, and gives legal force to a custom as regards the official holidays. On this point the Decree has been supplemented by Legislative Ordinance No. 2/440 of 21 April 1955.

(e) The regulations on medical treatment to be given to workers have been made more favourable. The earlier Decree enabled the employer to evade his liability to provide the worker with medical, dental, surgical, pharmaceutical and hospital treatment in cases where he could prove the impossibility of providing such treatment. This provision, which incidentally was seldom resorted to, has been repealed on account of the widespread avail-

ability of medical facilities, which now makes it possible to provide medical attention in all areas. Henceforward the employer must, at his own expense, provide the worker with transport to the place where he can be given treatment. Treatment in progress at the time the contract expires must be continued for at least 30 days.

Notice of termination of the contract on the grounds of ill-health or accidental injury can only be given when inability to perform the contract has lasted at least two months; such termination takes effect 15 days after the receipt of notice.

In the event of industrial injury or occupational disease, the insurer's liability for medical attention is brought forward from the sixth to the third day following the commencement of incapacity for work. Costs of prostheses and orthopaedic appliances are now borne by the insurer as from the date of the accident.

(f) Various measures increase the protection of the worker's family, in particular by limiting the maximum duration of the contract to one year in cases where the family does not accompany the worker to the place where he is to perform his contract. With reference to treatment, the above-mentioned improvements have also been made available to the worker's family.

An Ordinance by the Governor-General of 12 December 1954 lays down measures for the implementation of the new Decree. Of these measures, special mention should be made of one innovation which consists of dividing minimum wage scales and minimum ration scales into three categories based on the nature of the labour performed: light work, normal work and heavy work.

*Article 1 of the Convention.* Every contract of employment is "in writing" in that it is compulsory for the basic terms of the engagement to be entered and signed in the "work-book" given to the worker.

*Article 2, paragraph 1.* The Decree on employment contracts governs all contracts in which an indigenous worker hires out his services, whether manual or intellectual, and whatever the nature of such services may be.

Paragraph 2. When concluded by an indigenous employer who is not liable for personal tax, the contract is governed exclusively by customary law.

Paragraph 3. Apprenticeship is regulated by special legislation (Decree of 11 February 1926).

Paragraph 4. Every contract of employment entails an obligation to pay remuneration, which in all cases includes a cash wage and the provision of board, lodging and household effects and bedding, or their money equivalent.

*Article 3, paragraph 1.* Every contract must be attested by the district authorities if it is concluded for a period of more than six months or if it contains any of the exemptions authorised by law.

Paragraph 2. The worker signifies his assent by signing the contract thus attested and

by producing a registration slip known as a "labour permit".

*Article 4, paragraph 1.* No contract is binding on family members unless it contains an express provision to that effect.

Paragraph 2. The employer is responsible for any contract made by a person acting on his behalf.

*Article 5.* It is compulsory for all the essential particulars provided for in the Convention to be entered in the work book.

*Article 6, paragraph 1.* Contracts for a period of less than six months do not require attestation. This formality is not justified in the case of short-term engagements and any such unduly formal procedure would operate to the prejudice of the employment of day labourers or temporary workers.

Paragraph 2. The attesting authority must ascertain that the engagement is in accordance with the law and that the worker's consent has not been obtained by coercion, undue influence, misrepresentation or mistake. The authority must also be satisfied that the worker has fully understood the terms of the attestation.

Paragraphs 3, 4 and 5. In the absence of attestation on a contract for which this formality is required, the employer cannot adduce any proof of the existence of the contract and the terms thereof other than the worker's own admission.

Paragraph 6. The contract must be registered by the labour authorities.

Paragraph 7. The worker has in his possession at all times the work book which constitutes proof of the existence of his contract and the terms thereof, together with a copy of the attested contract, if the contract is subject to this formality.

*Article 7.* An employer may not recruit, engage or retain in his service any worker who has not been declared physically fit for the work to which he is assigned.

Proof of this requirement is afforded by the compulsory delivery of a medical certificate of fitness, which must be renewed every three years.

This certificate is entered in the work book in the worker's possession.

*Article 8.* The employment of any worker under 12 years of age is prohibited. Workers of between 12 and 16 years of age may only be assigned to light work authorised by the labour inspector.

*Article 9.* A contract of employment cannot be concluded for a period of more than three years. This period is reduced to one year if a married worker is not accompanied by his family.

The period of leave is six days for every year of service. Leave may be carried over for a maximum period of four years.

*Article 10.* Transfers from one employer to another are valid only if provision to this effect is made in the contract. Failing such stipulation, a new contract must be drawn up.

*Article 11.* A contract for a fixed period lapses on the expiry of the term for which it was made.

If while the contract is in force the parties agree to renew it, the length of the new contract, when added to the unexpired period, may not exceed the maximum term of three years as authorised by law (one year if the worker is not accompanied by his family).

If the parties continue to perform the contract beyond the stipulated expiry date, the contract is extended on the same terms as before but for an indefinite period; this enables the worker to terminate the contract whenever he so desires, subject to notice.

The death of the worker terminates the contract in every case.

*Article 12, paragraph 1.* Unavoidable circumstances which operate to prevent the parties from fulfilling their obligations suspend the contract if they are only of temporary effect; such circumstances automatically cancel the contract where the parties can no longer perform the contract at all or for a very long period, with the exception of the following cases which always suspend the contract: incapacity for work as the result of injury or sickness; a call (or recall) to the colours; detention of the worker when not followed by a conviction, unless such detention is the result of a complaint by the employer.

Paragraph 2. Termination of a contract by agreement between the parties does not deprive the worker of his right to repatriation.

Paragraph 3. When the contract is concluded for an indefinite period, neither of the parties may terminate it without giving a period of notice, the length of which is determined by agreement. Failing agreement to this effect it is determined by custom, but may not be longer than one month.

The parties may also stipulate that a fixed-term contract may be terminated before the expiry of the term upon giving a specified period of notice.

In the absence of serious misconduct—restrictively defined by the Decree—which enables the other party to cancel the contract without notice or compensation, either of the parties may request authorisation from the court to terminate the contract when continuation of the contractual relationship has become impossible or intolerable. The court may make termination of the contract conditional upon the giving of a period of notice or the payment of compensation assessed by the court in the light of the circumstances.

Paragraph 4. Assault and battery by the employer or the use of seriously abusive language to the worker on the part of the employer, as well as his condonation of such acts by other workers, entitle the worker to cancel the contract without notice or compensation.

Paragraph 5. The following likewise constitute valid reasons for breach of the contract by either party: dishonesty towards the other contracting party; damage or prejudice deliberately caused. In addition, the employer may terminate the contract when the worker is guilty of immoral acts during the fulfilment

of the contract or endangers the safety of the work or the safety of the staff by his carelessness or negligence.

*Article 13, paragraph 1.* On the expiry of the contract the employer is in all cases required to repatriate the worker and his family to the place at which they were residing at the time of engagement or recruitment, providing that the distance to the place of work is more than 25 kilometres.

The employer may be exonerated from liability for repatriation by a court decision, but only when the contract has been terminated on the grounds of serious misconduct by the worker.

Paragraph 2. The family is repatriated by the employer with the worker or, in the event of the worker's death, within one month of his death.

Paragraphs 3 and 4. In addition to travelling expenses, repatriation expenses include the issue of the worker's rations or the cash equivalent thereof, together with family allowances. This benefit is likewise granted from the expiry of the contract until the time of departure, except in the event of the worker's negligence or refusal to comply with the employer's instructions or for reasons of *force majeure*.

Paragraph 5. If the employer fails to fulfil his obligations in respect of repatriation he is immediately placed in default and formally summoned to fulfil his obligations, and may be convicted if the formal summons is not obeyed.

*Article 14.* The employer is exempted from liability for repatriating the worker and his family: when the worker expressly waives that right; when the worker has established his regular place of abode at or near the place at which the contract was performed; or if he has failed to exercise his right to repatriation within three months from the date of expiry of the contract.

*Article 15.* The development of communications in the Congo for long journeys makes it possible in all cases to use the services of haulage contractors to repatriate the worker and his family. Special regulations are applicable to the hygiene and safety of these common carrier services.

*Article 16.* On this point the report refers to the information given under Article 11.

*Article 17.* The law and regulations are published in the Congo in an official publication or are posted up in the offices of the local authorities.

*Article 18.* Ordinance No. 54/AE in Ruanda-Urundi governs the protection of workers from this territory who immigrate to neighbouring territories.

*Article 19.* An Anglo-Belgian conference was held in Kampala in December 1954 to prepare the draft of a convention to be concluded between Ruanda-Urundi and the British possessions to the East (Kenya, Uganda and Tanganyika Territory) on the subject of the immigration into these territories of workers from

Ruanda-Urundi. The draft convention, which will be finalised at the beginning of next year in a second conference at Kampala, contains a draft contract of employment based on the provisions of Convention No. 64.

On the recommendation of the employers' and workers' organisations, Ordinance No. 22/282 of 24 August 1955 empowered the Provincial Governor to make additions to the list of articles forming the worker's budget, which determines his requirements for the purpose of fixing the minimum wage, in the light of the level of development of the population.

With this amendment, the model budget drawn up by the Governor-General becomes an absolute minimum below which the Provincial Governor cannot go in fixing the minimum wage except with the authorisation of the chief officer of the colony.

#### *New Zealand.*

##### *Cook Islands and Niue.*

A number of labourers are recruited from the islands of Rarotonga, Mangaia, Atiu and Mauke for work on the French phosphate island of Makatea. The contracts are for a term of one year and provide for the men to be returned free direct to their home island. They also provide for part of the monthly wage to be allotted to a dependant. The contracts are arranged through the Cook Islands Administration and have to be approved by the Resident Commissioner. All workers recruited are given a thorough medical examination, including an X-ray. For this the recruits are taken to Rarotonga before leaving for Makatea.

#### *United Kingdom.*

##### *Aden.*

Compliance with paragraph 7 of Article 6 is ensured by the administrative safeguard that all contracts must be attested in the presence of an "authorised officer". Every worker receives his own copy, with the attestation declaration signed, at the time such attestation is made.

During 1954, 482 contracts for service abroad were attested.

##### *Brunei.*

For legislation see under Convention No. 50.

"Worker" as defined in the Enactment excludes an apprentice or domestic servant. It is provided that a copy of the contract should be delivered to the worker or, in the case of a gang, to one of their number.

The Council of Labour may, by endorsement on the contract, exempt workers from the requirement of medical examination. The Enactment prescribes 16 as the minimum age for entering into a contract, 18 being the prescribed higher age. The maximum period of service prescribed is 180 days, with written confirmation of the Controller in the case of Natives.

Section 24 of the Enactment provides that a maximum period of 12 months is prescribed for unaccompanied workers and two years for accompanied workers from places of employment within Sarawak, North Borneo and Brunei;

these periods are two years and three years respectively if elsewhere. The period of leave is not stipulated.

The consent of the Controller must be obtained for the termination of the contract as envisaged in Article 12, paragraph 1, of the Convention. The Controller must be satisfied that, in addition to safeguarding repatriation (unless the agreement provides otherwise), the worker has freely consented and all monetary liabilities have been settled. The period of notice, if the contract is of more than one month's duration, is 14 days; if less than a month, seven days, but the Controller may permit a period of up to one month. The worker may cancel the contract if he is subject to ill usage of person or property. If the employer fails to repatriate workers, the Controller may do so, the sum so expended to be recovered from the employer. In specified cases, the Controller may exempt the employer from liability for repatriation expenses.

The maximum duration that may be stipulated in any of the engagement contracts on the expiry of the period for which the original contract was made shall be three-quarters of that prescribed in section 24 of the Enactment, but in no case exceeding one year. Where this would involve the separation of any worker from his family for more than the respective periods prescribed in section 24, the worker shall not be given the periods specified in the service contract until he has had an opportunity to return home at the employer's expense.

There is provision for attestation, etc., before the Controller in the case of workers proceeding to employment in another country.

There are no agreements such as are envisaged in Article 19.

##### *Gold Coast.*

*Article 1 of the Convention*, clause (a). Section 2 of the Labour Ordinance defines "employee", "labourer" and "clerical worker" which fall within the terms of this clause.

Clauses (b) and (d). See section 2 of the Ordinance.

Clause (c). This is understood in all Conventions.

*Article 2.* No exceptions have been made. In connection with paragraph 4 a contract of employment in which the only or principal remuneration granted to the worker was the use or occupancy of land belonging to his employer would be contrary to sections 57 and 58 of the Labour Ordinance and thus void.

*Article 3.* The provisions of the four paragraphs of this Article are covered respectively by sections 15, 18 (2), 15 (3) and 16 of the Labour Ordinance.

*Article 4*, paragraph 1. There is no specific provision to this effect.

Paragraph 2. The definition of "employer" in section 2 includes agents. Sections 65 and 67 provide for court action in cases of breaches of contract. Sections 88 to 91 lay down provisions as to agents.

*Article 5*, paragraphs 1 and 2. See section 15 (4) of the Ordinance.



*Article 6*, paragraphs 1 to 7. These are covered respectively by sections 18 (1), (2), (3) and (6), 19 and 20 of the Ordinance.

*Article 7*, paragraphs 1 to 4. These are covered respectively by sections 17 (1), (2) and (3) of the Ordinance.

Exceptions have been made as set out in the Convention under paragraph 4 (*a*) and (*b*) (i) and (ii). The number of workers prescribed for clause (*a*) is 13.

*Article 8*, paragraph 1. See section 22 respecting home contracts, and section 25 respecting foreign contracts. The minimum age prescribed for paragraph 1 is 16 years.

Paragraph 2. See section 22. The prescribed age is 18 years. No occupations have been excepted.

*Article 9*. The maximum period of service is fixed by section 23 at one year for home contracts, and by section 26 at one year for foreign contracts.

Section 28 empowers the Commissioner of Labour in particular cases to permit foreign contracts to be made for a period not exceeding two years.

*Article 10*. The provisions of these two paragraphs are covered by section 29 (1) and (2) of the Ordinance.

*Article 11*, paragraph 1 (*a*). No specific provision exists but this is the established principle at common law.

Section 31 (1) and (2) of the Ordinance corresponds respectively to paragraph 1 (*b*) and paragraph 2 of this Article.

*Article 12*, paragraphs 1 to 4. See section 30 (1) and (2) of the Ordinance.

Paragraph 5. The conditions prescribed are as in the Convention, with particular reference to clause (*a*) of paragraph 2 and clause (*b*) of paragraph 3. No period of notice is prescribed in accordance with clause (*a*) of paragraph 3: this would depend on the terms of the contract but in the case of a clerical contract it could not be less than 14 days (section 43).

*Article 13*, paragraph 1 (*a*) to (*e*). See section 34 (1) (*e*), (*f*), (*g*), (*h*) and (*i*) of the Ordinance.

Paragraph 2. See section 34 (1).

Paragraph 3. See sections 33 and 35.

Paragraph 4. See section 36 (2) (*a*) and (*b*).

Paragraph 5. See section 37.

*Article 14*. See section 36 (1).

*Article 15*, paragraph 1. See section 35 (*b*).

Paragraph 2. See Regulation 5 (1) (*a*) to (*d*) and (2) of the Recruiting and Employment of Labourers Regulations, 1948 (Second Schedule to the Labour Ordinance).

Paragraph 3. See Regulation 5 (3) of the Second Schedule.

*Article 16*, paragraph 1. See sections 23, 26 and 28 which control contracts of re-engagement in the same way as original contracts.

The maximum period of service is one year.

Paragraph 2. See section 38 (1).

Paragraph 3. See section 38 (2). Re-engagement contracts are subject to attestation but medical examination may be waived.

*Article 17*, paragraphs 1 and 2. See section 39 (1) and (2) respectively.

*Article 18*. The regulations apply both to foreign and home contracts, as defined in section 2, and consequently, when the contract is made in the Gold Coast, give as far as possible the same protection to those employed under it in another territory as to those employed in the Gold Coast. In particular, however, section 24 limits the territories in which workers may be engaged on a foreign contract and section 15 (4) (i) provides for the payment of one-half of the worker's wages in the territory of origin.

*Article 19*. A contract made in another territory for employment in the Gold Coast is subject to the regulations in force in the Gold Coast. A contract made in the Gold Coast for employment in another territory would be subject to the regulations in force in the Gold Coast in so far as it was possible to enforce them. The statements set out below therefore show the position as it is in the Gold Coast and refer, according to the context, either to foreign contracts made in the Gold Coast for employment elsewhere or to contracts made elsewhere for employment in the Gold Coast.

Paragraph 1, clauses (*a*) to (*i*). See respectively sections 18 and 20, Regulation 7 (1) of the Second Schedule, sections 25, 29, 26, 30, 31, 37 and 36.

Clause (*j*). No specific provision exists but section 14 provides for the making of a treaty with the government of another territory in respect of the engagement of persons for employment outside the Gold Coast.

Clause (*k*). See section 26; see also under Article 16 of the Convention.

Paragraph 2. The legislation does not specifically provide for these regulations but section 24 ensures that no foreign contract would be made for employment in a territory in which the workers were not likely to be properly protected.

Paragraph 3. See section 14. No agreements have been concluded.

*Article 20*. This Article is not applicable.

The making of contracts of employment for a specific duration so as to come within the terms of the Convention is the exception rather than the rule in the Gold Coast and arises almost exclusively in agricultural holdings in which the employers are all indigenous. As stated above, no exceptions have been made under Article 2 of the Convention and the regulations apply to these contracts. After some years of difficulty the registration and attestation of these contracts is becoming regularised in Ashanti where the system is most prevalent.

*Grenada*.

The provisions of Article 19 of the Convention are covered by the Ordinance and Regula-



tions listed under Convention No. 50 concerning the regulation of certain special systems of recruiting workers.

*Guernsey (First Report).*

This Convention is inapplicable to the territory by reason of the question with which it deals.

*Jersey (First Report).*

This Convention is inapplicable to the territory by reason of the question with which it deals.

*Federation of Malaya.*

The New Labour Ordinance No. 38 of 1955, which was approved by the Legislative Council on 1 June 1955, is not yet in force.

*North Borneo.*

See under Convention No. 5.

*St. Vincent.*

The Convention will be applied in this colony, but the necessary legislation for giving effect to its provisions has not yet been enacted. It is proposed to await the legislation from one of the larger West Indian colonies for use as a model.

*Seychelles.*

As far as Article 10 of the Convention is concerned the law does not provide for the transfer of any contract from one employer to another. If a transfer from one employer to another is made then a new contract between the worker and the new employer has to be entered into and all the conditions applying to labour contracts made in the colony have to be complied with. The report states that there is therefore no need to pass any laws or regulations as the application of Article 10 is safeguarded.

*Southern Rhodesia.*

New Native Employment Regulations for various industries were adopted in 1955, and replace those relating to the same industries, published in Government Notice No. 1087 of 1953.

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

*New Zealand: Western Samoa.*

*United Kingdom:* Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, Cyprus, Dominica, Gibraltar, Hong Kong, Leeward Islands, Malta, Nigeria, Nyasaland, St. Helena, Sarawak, Swaziland.

## 65. Penal Sanctions (Indigenous Workers) Convention, 1939

*This Convention came into force on 8 July 1948*

*Italy.*<sup>1</sup> Applicable without modification: Trust Territory of Somaliland.

*New Zealand.* Ratification: 8 July 1947.

Applicable without modification: Cook Islands, Western Samoa.

No declaration: Tokelau Islands.

*United Kingdom.* Ratification: 24 August 1943.

Applicable *ipso jure* without modification<sup>2</sup>: Channel Islands, Isle of Man.

Not applicable: Cyprus, Falkland Islands, Gibraltar, Malta.

No declaration: Southern Rhodesia.

Applicable without modification: all other non-metropolitan territories.

a non-adult as a person under the apparent age of 18 years. Section 27 of Chapter 64 lays down that "a non-adult person shall not be capable of entering into a contract: Provided that the Resident Commissioner may permit a non-adult to enter into a contract with the consent of his parents for employment upon light work, subject to adequate safeguards for his welfare". This provision has not been invoked. The penal sanction laid down in paragraph 1 (a) of section 40 in case of breach of contract of employment is therefore inapplicable to non-adult persons.

<sup>1</sup> Unratified Convention. See footnote 1 to Convention No. 17.

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

*New Zealand.*

*Tokelau Islands.*

Consideration is being given to the question of extending the application of this Convention.

*United Kingdom.*

*Basutoland.*

The report states that legislation is being prepared to implement the provisions of the Convention more fully.

*Bechuanaland.*

*Article 2 of the Convention.* Section 2 of Chapter 64 of the Laws of the territory defines

*Guernsey (First Report).*

This Convention is inapplicable to the territory by reason of the question with which it deals.

*Jersey (First Report).*

This Convention is inapplicable to the territory by reason of the question with which it deals.

*Southern Rhodesia.*

No legislation exists to give effect to the Convention because it is felt that the time is not yet ripe to abolish penal sanctions, the scope of which, however, is becoming more limited each year as increasing numbers of indigenous employees cease to be subject to these sanctions as they rise above the labourer category. Furthermore, penal sanctions are being resorted to less

and less as it is realised that they are no short cut to good labour management, but they are still considered necessary for the indigenous labourer's own protection owing to their frequent inability to appreciate their own rights and duties.

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

*New Zealand*: Cook Islands and Niue, Western Samoa.

*United Kingdom*: Aden, Bahamas, Barbados, Bermuda, British Guiana, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Gibraltar, Gold Coast, Grenada, Hong Kong, Leeward Islands, Federation of Malaya, Malta, Nigeria, North Borneo, Nyasaland, St. Helena, St. Vincent, Sarawak, Seychelles, Swaziland.

## 69. Certification of Ships' Cooks Convention, 1946

*This Convention came into force on 22 April 1953*

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*Belgium*. Ratification : 5 December 1951.  
Not applicable : Belgian Congo and Ruanda-Urundi.

*France*. Ratification : 9 December 1948.  
Applicable without modification : French Guiana, Guadeloupe, Martinique, Réunion.  
No declaration : all other non-metropolitan territories.

*Italy*. Ratification : 22 October 1952.  
No declaration.

*Netherlands*. Ratification : 23 February 1951.  
Applicable without modification : Netherlands Antilles.  
Not applicable : New Guinea, Surinam.

*Portugal*. Ratification : 13 June 1952.  
No declaration.

*United Kingdom*. Ratification : 29 July 1949.  
Applicable *ipso jure* without modification<sup>1</sup> : Channel Islands, Isle of Man.  
No declaration : all other 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. 7.

### *France*.

*Algeria*.

See under Convention No. 8.

*French Equatorial Africa*.

See under Convention No. 55.

*French Guiana*.

See under Convention No. 53, *Guadeloupe*.

*French Somaliland* (First Report).

The report states that the Convention is not applicable in this territory, as no sea-going vessel has been commissioned in Djibouti.

*Guadeloupe*.

See under Convention No. 53.

*Martinique*.

See under Convention No. 53, *Guadeloupe*.

*Morocco*.

There are no corresponding provisions in the Moroccan Code.

*Réunion*.

See under Convention No. 52, *Guadeloupe*.

*Togoland* (First Report).

The Convention is inoperative.

*Netherlands*.

*Netherlands Antilles*.

The report states that there is no legislation or regulation regarding the certification of ships' cooks.

*United Kingdom*.

*Basutoland*.

See under Convention No. 7.

*Bechuanaland*.

See under Convention No. 7.

*Guernsey* (First Report).

Since the British foreign-going ships sailing from Guernsey must comply with section 27 of the Merchant Shipping Act, 1906, as supplemented by section 6 of the Merchant Shipping Act, 1948, the position with regard to these ships is therefore as stated in the United Kingdom reports on this Convention.

*Jersey* (First Report).

See under *Guernsey*.

*Southern Rhodesia*.

See under Convention No. 7.

*Swaziland*.

See under Convention No. 56.

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

*France*: Cameroons, French Settlements in Oceania, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon.

*Italy*: Trust Territory of Somaliland.

## 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.  
Applicable without modification: French Guiana, Guadeloupe, Martinique, Réunion.  
No declaration: all other non-metropolitan territories.

*Netherlands.* Ratification : 14 July 1950.  
Applicable without modification Netherlands Antilles.  
Not applicable: New Guinea, Surinam.

*Portugal.* Ratification : 13 June 1952.  
No declaration.

*United Kingdom.* Ratification : 13 May 1952.  
No declaration.

*United States.* Ratification : 9 April 1953.  
No declaration.

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*Belgium.**Belgian Congo and Ruanda-Urundi.*

See under Convention No. 7.

*France.**Algeria.*

Order of 3 September 1954.

The above Order, which is applicable in Algeria and the Overseas Departments, fulfils the requirements of Articles 1, 2 and 3 of the Convention.

See also under Convention No. 8.

*French Equatorial Africa.*

See under Convention No. 55.

*French Guiana.*See under Convention No. 53, *Guadeloupe*.*French West Africa.*

Order of 5 January 1954 to establish the Rufisque Maritime Training Centre.

Order of 8 July 1955 to introduce a junior sea-going proficiency certificate.

A certificate of qualification as an able seaman does not exist as yet, and proposals for the

application of this provision of the Convention will be made at a later date.

Meanwhile a first step has been taken by setting up a maritime training school at Rufisque to train youths for the junior sea-going proficiency certificate (deck department).

*Guadeloupe.*

See under Convention No. 53.

*Martinique.*See under Convention No. 53, *Guadeloupe*.*Réunion.*See under Convention No. 53, *Guadeloupe*.*Netherlands.**Netherlands Antilles.*

There are no statutory regulations or provisions in the Netherlands Antilles with regard to the provisions of this Convention.

*United Kingdom.**Basutoland.*

See under Convention No. 7.

*Bechuanaland.*

See under Convention No. 7.

*Southern Rhodesia.*

See under Convention No. 7.

*Swaziland.*

See under Convention No. 56.

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

*France:* Cameroons, French Settlements in Oceania, French Somaliland, Madagascar, Morocco, New Caledonia, St. Pierre and Miquelon, Togoland.

## 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.  
Not applicable: French Guiana, Guadeloupe, Martinique, Réunion.  
No declaration: all other non-metropolitan territories.

*Italy.* Ratification : 22 October 1952.  
No declaration.

*United Kingdom.*<sup>1</sup>  
Decision reserved: all non-metropolitan territories.

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*France.**Cameroons.*

Order No. 4914 of 5 October 1953 to fix the model for the employer's register.

Order No. 982 of 27 February 1954 to fix the age for admission of children to employment and the types of work and categories of undertakings which are not open to them.

Order No. 983 of 27 February 1954 indicating the exemptions from the age of admission of children to employment in undertakings in the Cameroons.

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

Under the regulations in force children must be medically examined, at the request of the employer, by the doctor of the undertaking or, if there is no such doctor, by an approved physician.

*Comoro Islands (First Report).*

The Technical Advisory Committee is due to meet in the near future to study the texts governing works medical and health services. A draft Order setting out the obligations of undertakings in this respect provides for various measures to be taken to ensure that children and young persons are fit for work; these measures include annual medical examinations for each worker and the keeping of individual medical cards by the medical practitioner, recording the results of medical examination given, where necessary, on instructions from the Inspector of Labour and Social Legislation to ensure that children are not employed on work beyond their strength. With these regulations the inspection services (labour inspection, health and industrial medical services) will be able to ensure that every young worker is fit for the job assigned to him.

*French Equatorial Africa.*

A medical examination for fitness for employment is not required but the Inspector of Labour has power to request one. Such an examination is free of charge.

See also under Convention No. 16.

*French Somaliland.*

Order No. 786 of 17 June 1955 to apply section 118 of Act No. 52-1322 of 15 December 1952.

The above text defines the conditions of employment of children; it prohibits their employment on certain types of work and requires the employer to arrange for them to undergo a medical examination.

*French West Africa.*

A local Order respecting the work of young persons was adopted in each territory in 1954. Under these regulations the chief officer of each territory laid down the types of work and of undertakings in which the employment of young persons is prohibited, as well as the age below which the prohibition applies in each particular case.

These local Orders expressly provide that the employer must ensure that young persons undergo a medical examination by the works or estate doctor, or, failing that, by an approved medical practitioner.

*Réunion.*

There are no relevant texts.

*Togoland.*

Order No. 884-55/ITLS of 28 October 1955 respecting the employment of women and young persons.  
Order No. 885-55/ITLS of 28 October 1955 to fix the methods for carrying out the legal provisions with regard to the medical or health services of the undertaking.

In accordance with the regulations, the medical examination of the worker, whoever he may be, must be carried out periodically, and women and young persons may be examined in order to discover whether the work which they are doing is not beyond their strength.

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

*France*: Algeria, French Guiana, French Settlements in Oceania, Guadeloupe, Madagascar, Martinique, Morocco, New Caledonia, St. Pierre and Miquelon.

*Italy*: Trust Territory of Somaliland.

## 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.  
Not applicable: French Guiana, Guadeloupe, Martinique, Réunion.  
No declaration: all other non-metropolitan territories.  
*Italy.* Ratification: 22 October 1952.  
No declaration.

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*France.*

*Cameroons.*

See under Convention No. 77.

*Comoro Islands (First Report).*

See under Convention No. 77.

*French Equatorial Africa.*

See under Convention No. 77.

*French Somaliland.*

See under Convention No. 77.

*French West Africa.*

See under Convention No. 77.

*Réunion.*

See under Convention No. 77.

*Togoland.*

Order No. 276-54/ITLS of 19 March 1954.

The above-mentioned Order provides for a medical examination before the expiry of the contract of apprenticeship.

See also under Convention No. 77.

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

*France*: Algeria, French Guiana, French Settlements in Oceania, Guadeloupe, Madagascar, Martinique, Morocco, New Caledonia, St. Pierre and Miquelon.

*Italy*: Trust Territory of Somaliland.

## 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 1952.  
No declaration.

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The report from *Italy* with regard to the Trust Territory of Somaliland refers to the information previously supplied.

## 81. Labour Inspection Convention, 1947

*This Convention came into force on 7 April 1950*

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*France.* Ratification : 16 December 1950.  
Applicable without modification : French Guiana, Guadeloupe, Martinique, Réunion.  
No declaration : all other non-metropolitan territories.

*Italy.* Ratification : 22 October 1952.  
No declaration.

*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 : all other non-metropolitan territories.

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

*France.*

*Algeria.*

The total number of labour inspectors and supervisors is 84, including 12 women. There are four departmental labour and manpower directors and 64 supervisors, including ten women. The numbers of undertakings under the supervision of the labour inspectorate is 37,408, employing 248,516 persons. In 1954, 13,641 establishments, employing 190,815 persons, were inspected ; the number of infringements reported was 9,165 and proceedings were instituted in 2,519 cases.

*French Guiana.*

The Labour Inspection Service operates in French Guiana under the same conditions as in metropolitan France.

*Guadeloupe.*

During the period under review the Labour Inspectorate consisted of a departmental director and two supervisors at Basse-Terre, and one inspector and two supervisors at Pointe-à-Pitre.

During the same period 1,816 visits of inspection or second visits and 40 investigations of industrial accidents were carried out. Proceedings were instituted in four cases.

*Martinique.*

During the period under review the inspection staff included, besides the departmental director, the chief of service and a principal inspector, two principal supervisors and one supervisor.

*Morocco.*

Dahir of 2 July 1947 to regulate employment (Chapter 2 of Title IV) (L.S. 1947—Mor. 1).  
Order of the Vizier of 14 July 1948 to issue staff regulations for the Labour Inspection Service.

Every industrial establishment is subject to inspection by the Labour Inspection Service.

The members of the service are responsible for ensuring the application of all labour legislation. Their task is a double one consisting first in visiting as frequently as possible the plants, factories, workshops, work sites, shops and offices covered by labour legislation, and secondly in maintaining contact with government departments and above all with employers and workers. Conciliation by the Labour Inspection Service when a dispute arises frequently enables dismissals or breaches of contract to be avoided and considerably reduces the number of disputes referred to conciliation boards or magistrates.

Labour inspectors fulfil certain educational functions in relation to employers and workers, and officials carrying out labour inspection duties maintain permanent contact with employers' and workers' organisations.

Except for government mining and civil engineers who report respectively to the Directorate of Industrial Production and Mines and the Directorate of Public Works, officials carrying out labour inspection duties are subordinates of the Director of Labour and Social Affairs. The inspectors and supervisors of labour are officials subject to the rules laid down in the Vizier's Order cited above, which determines conditions of recruitment, promotion and discharge. The establishment of inspectors of both sexes comprises superintending inspectors in charge of divisions, deputy superintending inspectors, chief inspectors and ordinary inspectors. The establishment of labour supervisors consists of chief supervisors, ordinary supervisors and assistant supervisors.

There are 16 labour inspection districts, each with one inspector and one or more labour supervisors. The Labour Inspection Service consists of 21 inspectors (three of them women) and 25 supervisors, two of whom are Moroccans.

Most of the labour inspectors have their own cars to carry out their visits.

Officials carrying out labour inspection duties are forbidden to engage in industry or trade in any capacity whatsoever, to take part in commercial or industrial ventures themselves or through an agent, or to carry out any

operation covered by the general term of "business".

Labour inspectors and supervisors must visit at least 50 establishments every month. They may institute legal proceedings immediately unless the regulations provide for a prior warning, when they discover infringements of the legislation.

The regulations lay down the penalties to which employers who do not observe the legal provisions are liable; any person who obstructs a person carrying out labour inspection duties during the performance of these duties is liable to a fine of between 24,000 and 120,000 francs, or between 120,000 and 240,000 francs in case of a further offence.

An annual report is prepared on the work of the Labour Inspection Service. In 1954, 9,456 industrial establishments and 3,702 commercial establishments were visited; 104,718 observations and formal notices were issued; 450 cases were reported to the law enforcement authorities; and 12,761 individual disputes involving 23,244 claims were submitted to the service. Of this number of claims 13,977 were met entirely and 4,958 in part; 6,540 claims related to holidays with pay, 6,906 to wages, and 2,779 to notice of termination of employment.

#### *Réunion.*

Decree of 22 May 1916 to establish the first Labour Code of Réunion.

Decree of 2 March 1939 to extend to the Old Colonies certain provisions of Book II of the Labour Code.

Decree No. 48-592 of 30 March 1948 to extend the Labour Code to the four Overseas Departments.

*Article 1 of the Convention.* Réunion being a French Department, the Labour and Manpower Inspectorate is operated by agents of the metropolitan service appointed directly by the Ministry of Labour and Social Security.

*Article 2.* The application of labour provisions relating to transport undertakings is supervised by a transport labour inspector who is under the control of the Ministry of Public Works. There are no mining undertakings in Réunion.

*Article 3, paragraph 1, clause (a).* Labour inspectors in Réunion have the same powers as metropolitan inspectors, and their activities cover supervision of provisions respecting hours of work as well as hygiene and safety.

Clause (b). Inspectors may assist in bringing about suitable measures to assure collaboration between employers and workers.

Paragraph 2. Inspectors are also responsible for the supervision of social laws respecting agriculture, and have specific duties in connection with the regulations concerning tenant farmers.

*Article 4.* At present the labour inspectors are directly responsible to the Ministries of Labour and of Agriculture.

*Article 5, clause (a).* Effective co-operation at the highest levels is ensured by the Directorate of Labour. At the local level, collaboration with employers' and workers' organisations is satisfactory.

*Article 6.* The independence and impartiality of the labour inspectors are assured by the general rules for public servants.

*Articles 7 and 8.* The labour inspectors of the Overseas Departments belong to the metropolitan service and are recruited from personnel already in the service.

Women are eligible as candidates on the same basis as men.

*Article 9.* The specialised service in the Ministry of Labour which studies technical matters relating to the hygiene and safety of workers may be consulted through the Directorate of Labour. Provision for the appointment to the Department of a medical labour inspector is being considered. A Controller of Accident Prevention has been recruited by the General Social Security Fund.

*Article 10.* A plan to augment the Labour and Manpower Inspectorate in Réunion is at present being considered by the Ministry of Labour and Social Security. The staff available at present is sufficient to assure the control envisaged by the Convention.

*Article 11.* There are offices in suitable localities; the expenses of labour inspectors sent to these offices are reimbursed according to the same administrative rules as apply for the metropolitan services.

#### *Netherlands.*

##### *Netherlands Antilles.*

Labour Regulations, 1952 (L.S. 1952—Neth. Ant. 1). Safety Decree of 1942 (came into force on 1 June 1955).

*Articles 3 and 4 of the Convention.* The Labour Inspectorate has functioned since January 1955 as a section of the Department for Social and Economic Affairs.

*Article 5.* These arrangements have been made. As most analogous activities, as far as public bodies are concerned, are performed in the same department, not many difficulties are experienced in this respect. The co-operation with employers' and workers' organisations is being pursued.

*Article 6.* All officials are civil servants in the employment of the central Government.

*Articles 7 and 10.* At present the staff consists of four persons, two of whom, in addition to the normal experience, gained experience for some time with the Labour Inspectorate in the Netherlands. The other two have been in the service of the Social and Economic Department for ten and eight years respectively. They continue their training by reading professional journals and books.

*Article 8.* For the time being the staff is exclusively composed of men.

*Article 9.* The co-operation of specialists in various fields, as far as they are in the employment of the Government, has already been ensured.

*Article 11.* The necessary arrangements have been made in this respect. Office space is avail-

able in the offices of the Social and Economic Affairs Department. Arrangements have also been made for transport: the Labour Inspectorate has an automobile at its disposal and may, if necessary, also make use of the other means of transport available to the Department. Travelling expenses and hotel accommodation when travelling to the other islands of the Netherlands Antilles are reimbursed according to civil service regulations.

*Article 12.* Provision has been made to apply this Article.

*Article 13.* The labour inspectors have the powers provided for in this Article.

*Article 14.* Measures have been taken to give effect to the provisions of this Article.

*Article 15.* Provision has been made in this respect for all labour inspectors.

*Article 16.* A card-index system is kept of all the undertakings that are liable to inspection. The visits and results are reported on these cards.

*Article 18.* Penal provisions have been inserted in the relevant regulations.

*Article 19.* The Inspectorate is subject to central regulation.

*Articles 22 to 24.* No distinction is made between industrial and commercial undertakings.

#### *Surinam.*

The Labour and Safety Inspectorate, which is a branch of the Social Affairs Department, supervises the observance of the labour legislation.

The activities of this service cover all undertakings and institutions where work is performed, including both industrial establishments and business offices. Its functions are advisory as well as supervisory.

The staff of the Labour Inspectorate consists of government officials who are not subject to outside influences. There is no special training for the staff, which is trained during employment. When specialists in other fields are required, officials of other public bodies are included. The Labour Inspectorate has all the powers referred to in Articles 12 and 13 of the Convention. Accidents must be notified to the inspectorate within 24 hours.

All establishments and workshops are inspected at least once a year.

The legislation provides for penalties against those who obstruct the labour inspectors in the exercise of their duties.

The annual reports of the Labour Inspectorate for 1953 and 1954 were sent to the I.L.O.

#### *United Kingdom.*

##### *Guernsey (First Report).*

Health, Safety and Welfare of Employees Law, 1950, approved by Order-in-Council of 31 March 1950.

Safety of Employees (Miscellaneous Provisions) Ordinance, 1952.

Quarries (Safety) Ordinance, 1954.

Safety of Employees (First Aid and Welfare) Ordinance, 1954.

Law relating to public health, 1934.

Public Health Ordinance 1936, to issue regulations for the application of the Law of 1934.

Guernsey is a small community where the labour inspection service, while less highly developed than in Great Britain, has expanded considerably in recent years and is still expanding.

*Articles 1 and 2 of the Convention.* The States Labour and Welfare Committee, the authority set up under the Health, Safety and Welfare of Employees Law, is responsible for the greater part of labour inspection, and the Board of Health for public health inspection. There are no mining operations in Guernsey.

*Article 3.* Labour inspectors have not been given duties other than those provided in this Article (excluding wages).

*Article 4.* See under Articles 1 and 2.

*Article 5.* The report states that in a small community such as Guernsey it is not considered necessary to make formal arrangements. In the short time that labour inspection has been in force effective co-operation with other departments and with employers' and workers' organisations has been developed.

*Article 6.* Inspectors are appointed by the States Labour and Welfare Committee which is responsible for the observance of safety legislation.

*Article 7.* Inspectors are recruited on the basis of their qualifications for the performance of their duties. Local inspectors are engaged on a part-time basis and are trained by and work under the guidance of inspectors of the British Government.

*Article 10.* The States Labour and Welfare Committee employs four part-time inspectors, and also arranges for periodical visits by inspectors of the British Government.

*Article 11.* The inspectorate is provided with suitable accommodation and with necessary transport facilities. As with other employees in Guernsey inspectors receive travelling and other incidental expenses.

*Article 12.* Inspectors have wide powers as to entering premises and requesting documents and the supply of information by employers and workers; such powers are laid down in the various Ordinances. Inspectors have no powers similar to those provided in paragraph 1 (c) (iv). It is a general practice for an inspector to notify an employer of his presence.

*Article 13.* Action to deal with contraventions of the safety legislation is taken by the States Labour and Welfare Committee and not by inspectors. Proceedings in the courts are instituted by the Law Officers of the Crown. These matters are covered in the sections of the various safety and health Ordinances concerning offences and penalties and the powers of the court.

*Article 14.* As laid down in the appropriate Ordinances, accidents which cause loss of life or disable a worker for more than three days

from earning full wages must be reported to the States Labour and Welfare Committee.

*Article 15.* By administrative practice and tradition the aim of this Article is achieved.

*Article 16.* If complaints are received an immediate inspection is made, otherwise inspections are made periodically.

*Articles 17 and 18.* The Ordinances provide for legal proceedings and penalties for offences against the provisions of the Ordinances. Obstruction of an inspector is an offence and is punishable by a fine.

*Article 19.* Inspectors periodically submit general reports to the States Labour and Welfare Committee.

*Articles 20 and 21.* The report states that in Guernsey labour inspection is still in its infancy and the States Labour and Welfare Committee has not yet published annual reports.

*Articles 22 to 24.* In view of the declaration made by the United Kingdom Government in accordance with Article 25 (1), these Articles do not apply to Guernsey.

*Article 26.* No decisions have been given.

*Article 29.* It is not proposed to have recourse to this Article so far as Guernsey is concerned.

Copies of the legislation are appended to the report.

*Jersey (First Report).*

Only a few light industries, such as fruit canning and tobacco manufacturing, are carried on in Jersey. Up to the present time it has not been found necessary to set up any extensive inspection service, but a Bill to provide minimum standards for safeguarding the health and safety of workers is now before the Island's parliament and, if approved, it will permit the appointment of inspectors authorised to carry out inspections of any premises where workers are employed. Representative employers' and workers' organisations have been consulted in the drafting of the Bill.

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

*France :* Cameroons, French Equatorial Africa, French Settlements in Oceania, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland.

*Italy :* Trust Territory of Somaliland.

#### 84. Right of Association (Non-Metropolitan Territories) Convention, 1947

*This Convention came into force on 1 July 1953*

*Belgium.* Ratification : 27 January 1955.  
No declaration.

*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.

Not applicable : French Guiana, Guadeloupe, Martinique, Réunion.

No declaration : Algeria, Morocco, Tunisia.

*Italy.*<sup>1</sup>

Applicable without modification : Trust Territory of 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 reserved : Brunei, Gilbert and Ellice Islands, Solomon Islands.

No declaration : Channel Islands, Isle of Man, British Somaliland.

Applicable without modification : all other non-metropolitan territories.

<sup>1</sup> Unratified Convention. See footnote 1 to Convention No. 17.

*Italy.*

*Trust Territory of Somaliland.*

In reply to an observation made by the Committee of Experts in 1955, the Government states that as soon as the Court of Justice has been established in the territory, which is likely to take place in the near future, it will be possible for the necessary administrative measures to be envisaged by the Court for the dissolu-

tion of associations. However, as regards the practical application of the legislation in force, the report states that no decisions have been taken for the dissolution or suspension of any trade union associations.

*New Zealand.*

*Western Samoa.*

It is anticipated that the provisions of this Convention will be taken into account in a proposed labour ordinance.

*Aden.*

There are now two recognised employers' organisations and seven recognised workers' organisations in the territory.

*Bermuda.*

In Bermuda the expression "workman" is in law wide enough to cover all categories of workers, including agricultural workers. There are no central organisations representative of workers or employers in the territory and no labour advisory board to which copies of the report could be sent.

*British Guiana.*

Since the coming into force of the Trade Unions Ordinance 92 unions have been registered. On 30 June 1955, 47 of these unions were in existence, eight of which were employers' organisations, 35 workers' organisations and there were four other organisations. The total



paidup membership of the 47 organisations was estimated at 12,500.

*British Honduras.*

During the period under review agreement was reached between the largest employer in the timber industry and the largest workers' organisation, covering general recognition of the union as well as access of union officials to places of employment on land the property of the employer. Applicants for a licence to undertake timber extraction from Crown lands are required, as from the period under review, to provide a written undertaking to recognise the right of workers to organise themselves for bona fide trade union purposes and the right of bona fide trade union organisers to visit workers on the undertaking concerned for the purpose of genuine trade union activities. A complaint alleging restrictions on the right of association in British Honduras was under consideration by the Committee on Freedom of Association of the Governing Body of the I.L.O. during the period under review.

The term "workman" in the legislation of the territory, which is defined by reference to any trade or industry, does not exclude any category of workers and therefore covers agricultural workers. The legislation does not authorise the Registrar to refuse registration if there is in existence already another trade union sufficiently representative of the trade concerned. An appeal from a decision of the Registrar comes before the Supreme Court.

*Brunei.*

Draft Trades Union and Trades Disputes Bills complying with the Convention are about to be considered by the State Council.

*Cyprus.*

During 1954 over 50 trade disputes were reported to the Department of Labour; 32 of these resulted in strikes or lockouts involving 3,396 workers with an estimated number of 19,979 man-days lost. Eighteen other disputes affecting approximately 14,000 workers were settled by conciliation without stoppage of work. Membership of trade unions increased by almost 23 per cent. in 1954, the number of trade union members at the end of that year being 26,754. In addition to organisations mentioned in previous reports, copies of the report have been communicated to the Cyprus Turkish Trade Unions Federation.

*Gibraltar.*

During the period under review the reported total paid-up membership of the 13 unions of employed persons was 3,538, representing approximately 55 per cent. of the labour force of British nationality.

*Gold Coast.*

In reply to the observations made in 1955 by the Committee of Experts the report states that the term "workman" is not defined in the Ordinance, but that the qualification of workers eligible for membership of trade unions is to be

found in section 17 of the Trade Union Ordinance of 1941.

Section 9 of the Ordinance provides for compulsory registration of trade unions, and section 11 for the method of registration. Section 12 deals with the conditions under which an applying body may be refused registration by the Registrar of Trade Unions, and lays down that an appeal against any refusal by the Registrar to register shall lie to the Supreme Court.

Section 28 and the Second Schedule provide for rules to govern the constitution and dissolution of trade unions. The objects which they may legally pursue are not restricted.

*Guernsey (First Report).*

See under Conventions Nos. 87 and 98.

*Hong Kong.*

On 31 March 1955 there were 300 trade unions registered in the territory, of which 227 were workers' organisations, 70 employers' associations and three mixed organisations of workers and employers. The term "workman" in the legislation of the territory does not exclude any category of workers and therefore covers agricultural workers. While there is a provision by which the Registrar may refuse to register a union if he is satisfied that a previously registered union adequately represents, for that particular trade, the objects of the proposed trade union, registration on this ground is, in practice, seldom refused. While the power also exists to refuse registration because the name of the proposed union is identical with, or confusingly similar to, that of an existing union, in such cases the proposed union is advised to adopt another name. Provision is made for the amalgamation of two or more registered trade unions within the same trade or industry to become one trade union; there is no provision for federation of trade unions. Appeal against a decision on the part of the Registrar to refuse registration of a trade union or to cancel the registration of a registered trade union lies to the Governor in Council, whose decision is final.

*Jersey (First Report).*

See under Conventions Nos. 87 and 98.

*Leeward Islands.*

The report contains extracts from the 1954 report of the Antigua Labour Department, which mention in particular the agreements reached between the Antigua Employers' Federation and the Antigua Trades and Labour Union and affecting the sugar industry and port workers.

*Federation of Malaya.*

On 30 June 1955 there were seven registered employers' organisations with a membership of 838, and 237 workers' organisations with a membership of 121,335.

*Malta.*

During the year 1954 eight trade unions were registered and four registrations were

cancelled; the total number of trade unions on the register at the end of 1954 was 41 with a membership of 24,200. Apart from two minor unofficial stoppages of work staged by employees in connection with trade disputes there was one official strike of some importance. The annual report of the Department of Labour for the year 1954, which contains, *inter alia*, an account of events connected with the application of the Convention, is appended to the report.

#### *Nigeria.*

The number of trade unions at 31 March 1955 was 177 with a total membership of 163,450. Between 1 April 1954 and 31 March 1955 there were 50 trade disputes; 30 of them resulted in strikes the longest duration of which was seven days. The number of man-days lost was 12,165. Whitley Councils in government establishments have been suspended owing to regionalisation of the territory. New Whitley Councils are being established to conform with the present constitution.

#### *St. Vincent.*

Supreme Court (Trade Unions) Rules, 1955.

The Supreme Court (Trade Unions) Rules of 1955 enables appeals to be made to the Supreme Court against the decisions of the Registrar in connection with registration of trade unions. The definition of the term "workman" does not exclude any category of workers and, in particular, covers agricultural workers. In addition to organisations mentioned in previous reports, copies of the report have been communicated to the Teachers' Union and the Civil Service Association.

#### *Sarawak.*

A draft Trades Unions and Trade Disputes (Amendment) Bill has been adopted as a government measure for introduction into the Council Negri.

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

*New Zealand:* Cook Islands and Niue.

*United Kingdom:* Bahamas, Barbados, Basutoland, Bechuanaland, British Somaliland, Dominica, Grenada, North Borneo, Nyasaland, St. Helena, Seychelles, Swaziland.

## 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 modification: Hong Kong, Nigeria, St. Helena, Tanganyika.  
Not applicable: Cyprus, Falkland Islands, Malta.  
Decision reserved: Basutoland, Bechuanaland, Bermuda, Brunei, Gilbert and Ellice Islands, Nyasaland, Sarawak, Solomon Islands, Swaziland.  
No declaration: British Somaliland, Channel Islands, Isle of Man.  
Applicable without modification: all other non-metropolitan territories.

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#### *United Kingdom.*

##### *Aden.*

During 1954, 482 contracts for service abroad were attested.

##### *Barbados.*

The Government has taken note of the request of the Committee of Experts "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". Detailed figures are provided by the Government to show that the question of illiteracy as between manual and non-manual workers is of little significance in Barbados.

##### *Bechuanaland.*

*Article 2 of the Convention.* With regard to the observations of the Committee of Experts the report states that the term "manual worker" is not defined in Cap. 56 of the Laws. In

practice, all workers recruited on contract are manual workers, i.e. unskilled labourers or, occasionally, artisans.

##### *British Honduras.*

During the period covered by the report no British Honduran workers went to the United States under long-term contracts.

##### *British Somaliland.*

In reply to the Committee of Experts' request in 1955 for further information, the report states that the Convention is of little or no application in this territory. No statistics are available. There is no system of long-term contracts in force except by the Government itself in regard to its own employees.

##### *Brunei.*

For legislation see under Convention No. 50.

"Worker" as defined in the legislation excludes an apprentice or domestic servant. It is provided that for employment not involving a long and expensive journey, the maximum period of service shall be two years when the workers are accompanied by their families, and one year when they are not so accompanied. For employment involving a long and expensive journey, the maximum duration shall be three years when the workers are accompanied by their families and two years when they are not so accompanied. The duration of the contract shall be limited to the shorter of the maximum periods prescribed by the country of origin and the territory of employment.

*Guernsey (First Report).*

This Convention is inapplicable to the territory by reason of the question with which it deals.

*Hong Kong.*

In reply to the request for additional information made by the Committee of Experts at its 25th Session, the Government provides in its report a detailed analysis of the definition of the term "manual workers" and lists the occupations of indigenous workers from Hong Kong covered by this definition who have taken up employment overseas. It is not the practice for non-manual workers employed in Hong Kong, other than servants as defined by the Employers and Servants Ordinance, to be parties to long-term contracts; and as far as is known non-manual workers from Hong Kong employed overseas are not parties to long-term contracts.

*Jersey (First Report).*

This Convention is inapplicable to the territory by reason of the question with which it deals.

*Leeward Islands.*

Migrant workers from the territory entering St. Thomas are not recruited in the ordinary sense and have no written contract with their employers; they are, however, engaged for periods of six months at a time.

*Federation of Malaya.*

Labour Ordinance No. 38 of 1955.

This Ordinance was approved by the Legislature on 1 June 1955 but has not yet come into force.

*Nigeria.*

The revised agreement on recruitment of labour between the Government of the Federation of Nigeria and the Spanish Territories of the Gulf of Guinea was republished under Government Notice No. 1775 in *Official Gazette* No. 58 of 21 October 1954.

*North Borneo.*

Labour (Amendment) Ordinance, 1955.

The above Ordinance amends the Labour Ordinance of 1949; the amendments are largely on matters of detail.

*St. Helena.*

In reply to the request made by the Committee of Experts in 1955 the report states that the St. Helena Contracts of Service Ordinance of 1951 is not restricted in its application to manual workers, but covers the engagement of domestic servants, manual workers and employees in general.

The Ascension Island Workmen's Protection Ordinance (Cap. 133) covers the employment of "workmen"; the term is defined as follows in section 2 of the Ordinance: "'workman' means any person who ordinarily gains his livelihood by performing manual labour for hire and includes any person who in fact is hired to perform manual labour or as foreman, ganger or in any like capacity directly to supervise the performance of manual labour by other persons".

In practice, the definition of "workman" covers the great majority of persons from St. Helena who are parties to long-term contracts in Ascension Island. A small number of persons are engaged as domestic servants and in other non-manual occupations; but in practice all are engaged under precisely the same procedure as is prescribed for workmen under the Ordinance.

*Seychelles.*

Steps are being taken to amend section 11 (2) of the Employment of Servants Ordinance so as to bring it into line with the provision of Article 3, paragraph 2, of the Convention.

*Swaziland.*

Swaziland African Labour Proclamation No. 45 of 8 October 1954.

Articles 1, 2 and 3 of the Convention are covered respectively by sections 2, 25 (2) and 25 (9) of the above Proclamation.

No agreements have been entered into in pursuance of paragraph 2 of Article 4.

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

*United Kingdom:* Bahamas, Basutoland, Bermuda, British Guiana, Cyprus, Dominica, Gibraltar, Gold Coast, Grenada, Malta, Nyasaland, St. Vincent, Sarawak, Southern Rhodesia.

## 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: Belgian Congo and Ruanda-Urundi.  
*Denmark.* Ratification: 13 June 1951.  
Applicable without modification: Greenland.  
No declaration: Faroe Islands.

*France.* Ratification: 28 June 1951.  
Applicable without modification: Cameroons, French East Africa, French Guiana, French Settlements in Oceania, French Somaliland, French West Africa, Guadeloupe, Madagascar, Martinique, New Caledonia, Réunion, St. Pierre and Miquelon, Togoland.

No declaration: Algeria, Morocco, Tunisia.

*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: all other non-metropolitan territories.

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

*Belgium.**Belgian Congo and Ruanda-Urundi.*

The report states that this Convention, which was framed in the light of the social conditions prevailing in industrialised countries, cannot be made applicable to the Belgian Congo and Ruanda-Urundi, where occupational organisation is subject to the control of the competent authorities. However, by the Act of 13 January 1955, Belgium has ratified Convention No. 84 concerning the right of association and the settlement of labour disputes in non-metropolitan territories.

*France.**Comoro Islands (First Report).*

Act No. 53-1322 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 Government states that the Convention is applied by the above-mentioned legislation which, however, has no purpose at present in the Comoro Islands where no trade union tendencies have yet appeared.

*French Equatorial Africa.*

Decree No. 54-114 of 25 January 1954.  
General Order No. 600/DFLC of 15 February 1954.

*Article 2 of the Convention.* The conditions laid down in this Article are established in Chapter I, sections 5 to 9, of the Labour Code for Overseas France.

*Article 3.* No conditions are laid down as regards the rules for organisations.

*Article 4.* No provisions similar to those contained in this Article are contained in Act No. 52-1322 of 15 December 1952.

*Article 5.* No formal conditions are required for the setting up of trade unions. There are no specific provisions regarding membership of international organisations.

*Article 6.* The provisions which apply are those relating to trade unions.

*Article 7.* Legal status is automatically ensured; there are, therefore, no conditions which are likely to prejudice the application of Articles 2, 3 and 4 of the Convention.

The report adds that the application of the Labour Code for Overseas France ensures full freedom of the right of association of workers and employers.

*French Guiana.*

Labour Code, Book III, Title I.

The Government states that the provisions of Book III, Title I, of the Labour Code are applicable to French Guiana in the same conditions as in metropolitan France and that they ensure the complete application of the Convention.

The report for metropolitan France is equally valid for French Guiana.

*Guadeloupe.*

Decree No. 48-592 of 30 March 1948 to extend to the Departments of French Guiana, Guadeloupe, Martinique and Réunion the labour and manpower legislation of metropolitan France.

The metropolitan regulations respecting occupational trade unions have been extended to the Overseas Departments by the above-mentioned Decree.

A very large number of workers' trade unions and employers' organisations were set up in Guadeloupe under the system provided for in the former regulations, which were analogous to the regulations at present in force.

*Morocco.*

Dahir of 12 December 1955 to extend freedom of association to Moroccan nationals and to amend the Dahir of 24 December 1936 respecting trade unions.

Under the new regulations all persons wishing to set up a trade union must lodge with the offices of the competent local authority the rules of the proposed union and a complete list of persons taking any part in its management or direction. This list must give the names and surnames, parents' names, date and place of birth, nationality, occupation and domicile of those concerned, who must be chosen from among members of the union in question and must be French or Moroccan nationals in possession of full civic rights.

As regards agricultural workers the date of coming into force of the Dahir cited above and the way in which it is to be applied are to be determined by an Order of the Vizier.

*Réunion.*

Labour Code, Book III.

The Government states that the Convention is applied in Réunion by the above-mentioned legislation.

*Netherlands.**Netherlands New Guinea.*

Regulations on the Administration of New Guinea (Statute Book, 1950, No. 2, and 1955, No. 36).

Freedom of the press and freedom of association and meeting are fundamental rights in Netherlands New Guinea. They are guaranteed by sections 8 and 10 of the above-mentioned text.

The development of trade unionism is still in an elementary stage in the country.

There are now three trade unions, one of a Protestant foundation and two of a Catholic foundation. They are called the Christian League of Workers in New Guinea, the Roman Catholic Workers Association and the Roman Catholic League of Civil Servants.

The Christian League of Workers in New Guinea was incorporated in 1953 and is divided into two groups: one group speaking Dutch and the other which does not speak the Dutch language. There is close contact between this League and the Protestant National Federation of Trade Unions in the Netherlands.

No employers' organisation yet exists in Netherlands New Guinea.

*Surinam.*

The Government states that the Constitution of Surinam endows every citizen with the constitutional right of association and combination. In order to be incorporated, the permission of the Government is required, to which end the articles of association of the organisations concerned must be approved.

The articles of association must not contain any provisions which are at variance with the law. There are no known cases in which incorporation was refused to trade organisations or federations of organisations. No legal provisions prevent the holding of meetings or concern specific employers' or workers' organisations. Meetings can be prohibited only if the security of the State so requires or if a state of siege is proclaimed. This has been laid down in legal provisions.

All citizens, including those in military service, are free to join a trade organisation.

*United Kingdom.**Guernsey (First Report).*

There is no legislation to apply the Convention, the principles of which are applied in practice.

*Articles 1 and 2 of the Convention.* There are no conditions which must be fulfilled by workers' and employers' organisations when they are being established.

*Article 3.* There are no conditions which are applied in this case.

*Article 4.* There are no legal provisions respecting the dissolution or suspension of trade unions by administrative authority.

*Articles 5, 6 and 7.* There are no regulations relating to the subject matter of these Articles.

*Article 8.* There is no general legislation which applies to workers' and employers' organisations concerning the safety of the State, etc. The common law applies without distinction between individuals and organisations.

*Article 9.* Guernsey has no armed forces and no restrictions are placed on the police.

Free exercise of the right to organise is permitted and no special measures are considered necessary.

*Jersey (First Report).*

The Government states that effect is given to this Convention by virtue of common law. There is no restriction on the citizen's right to associate with other persons for any lawful object.

There is no law relating to the trade union organisation and there are no conditions that must be fulfilled upon the establishment of a branch of a trade union in Jersey. Several branches of trade union organisations are active in the Island.

In so far as meetings are concerned the legal position rests on the rights of the citizen to liberty of person and speech. However, the provisions of common law and the statute ensure public order and safety.

There are no armed forces in Jersey and no restrictions are placed on the police.

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

*Denmark:* Faroe Islands, Greenland.

*France:* Algeria, Cameroons, French Settlements in Oceania, French Somaliland, French West Africa, Madagascar, Martinique, New Caledonia, St. Pierre and Miquelon, Togoland.

*Netherlands:* Netherlands Antilles.

## 88. Employment Service Convention, 1948

*This Convention came into force on 10 August 1950*

*Australia.* Ratification: 24 December 1949.  
No declaration.

*Belgium.* Ratification: 16 March 1953.  
Not applicable: Belgian Congo and Ruanda-Urundi.

*France.* Ratification: 15 October 1952.  
Not applicable: French Guiana, Guadeloupe, Martinique, Réunion.  
No declaration: all other non-metropolitan territories.

*Italy.* Ratification: 22 October 1952.  
No declaration.

*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 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: all other non-metropolitan territories.

*Australia.**Nauru.*

The title "Native Affairs Officer" referred to in the report for the period 1953-54, in connection with Articles 9 and 10 of the Convention, has been altered in the interim to "Nauruan Affairs Officer".

*Belgium.**Belgian Congo and Ruanda-Urundi (First Report).*

Decree of 30 June 1954 respecting recruiting, and  
Executive Ordinance of 8 December 1954.  
Royal Decree of Co-ordination of 17 July 1954.

The legislation cited above governs the recruitment of indigenous workers by employment offices and the organisation and supervision of such offices.

The report states that the general purpose of the employment service is to bring together employers seeking manpower and workers look-

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

ing for employment in such a manner that the former may find the workers they need as quickly as possible and the latter may find the jobs best suited to their capacities and preferences.

The Government states that in view of the fact that the Belgian Congo and Ruanda-Urundi are at present confronted by an acute shortage of manpower, the organisation of employment for workers in search of a job has become unnecessary.

See also under Conventions Nos. 50 and 64.

#### *France.*

#### *Algeria.*

There were no important changes in 1954 as regards the situation on the employment market (which is analysed in a monthly report) as compared with 1953. The number of vacancies and applications totalled 75,403; of this number 14,941 vacancies were filled and 15,303 workers were placed in employment.

#### *French Equatorial Africa.*

Local orders have been issued in Ubangi and the Middle Congo establishing manpower offices in each territory.

The employment service is organised along the lines laid down in section 174 of the Act No. 52-1322 of 15 December 1952. A placing office is attached to the labour inspectorate in each territory; these offices will be progressively superseded by the manpower offices.

Each manpower office is managed by a board on which employers and workers are jointly represented. The organisation of the offices now in operation is rudimentary but the offices due to replace them will conform to the pattern recommended by Article 6 of the Convention.

The existing offices do not place handicapped persons in employment. The psychotechnical study mission, in co-operation with the labour inspectorate, is making special arrangements to deal with young persons. The staff of the employment service rank as civil servants. Notices are inserted in the chief newspapers announcing the vacancies and proposals received by the placing offices.

Private employment agencies are prohibited by law in those regions where manpower offices exist, i.e. throughout the Federation.

During the period under review 5,938 applications and 1,293 vacancies were notified; 1,722 applicants were found jobs.

For the enforcement of the regulations see under Convention No. 15.

#### *French Guiana.*

Owing to the scattered population in French Guiana the Convention can only be partially applied.

The Employment Service attached to the Labour Inspectorate is still very primitive, and its methods, organisation and achievements are extremely restricted, owing mainly to the slight significance of the labour market. There is an employment exchange at Cayenne. It has not been possible as yet to organise a rehabilitation service; in this connection it has only been

possible to achieve individual results in a few special cases.

#### *French Settlements in Oceania.*

The Labour Inspectorate has requested that allowance shall be made in the budget for 1956 for the costs involved in setting up and operating a manpower office. While waiting for this office to be set up, the Inspectorate is dealing with the placing of workers and the establishment of a manpower policy, on which question it consults the Labour Advisory Committee.

The labour inspector does his best to facilitate selection of specified occupations and to satisfy the requirements of special categories of applicants for employment.

There is in Papeete a vocational training centre, with a policy board which finalises vocational training policy and undertakes the placing of the pupils; the board is composed of teachers, the labour inspector, and employers' and workers' representatives.

The Labour Advisory Committee has recommended that the manpower office should be set up with the least possible delay.

#### *French Somaliland.*

No trade union is at present operating an employment office.

#### *French West Africa.*

General Order No. 5488/IGTLS.AOF of 13 July 1955 respecting notifications of workers' movements.

The various statutory manpower offices have now been set up.

Persons who fail to observe the provision concerning the notification of the engagement or dismissal of a worker and the limitation on engagement are liable to a fine of between 100 and 500 francs in the first case and between 400 and 4,000 francs in the second; for a further offence the fine is raised to between 4,000 and 10,000 francs with imprisonment of from six to ten days.

The report describes in detail the statutory functions of the manpower offices. In particular these offices are required to give an opinion on proposed orders determining how many workers undertakings may employ in the light of economic, demographic and social needs. The manpower offices perform their functions in liaison with the government departments or public entities concerned. The Inspectors of Labour and Social Legislation co-ordinate the work of employment agencies run by employers' or workers' organisations with that of the manpower offices. Employment agencies operated by the unions are required to supply regular reports concerning applications for employment received, vacancies notified and workers placed.

The Inspectors of Labour and Social Legislation give the manpower offices technical instructions on the performance of their duties and supervise these offices from the technical, administrative and financial points of view.

The total number of members of the managing board of a manpower office is not less than nine or more than 21. The report describes in much detail how these boards are made up and operate.

Under the General Order cited above, when a worker is newly engaged, even for a trial period, the employer must submit to the Inspector of Labour and Social Legislation a declaration within two clear days of the date of the worker's engagement or arrival at the place of work. The inspector must forward this declaration to the territorial manpower office. When, however, a worker is engaged only for a short trial period not exceeding one month the declaration of engagement may be deferred until the end of the trial period. A declaration is not compulsory for casual workers employed by the hour or by the day whose wages are actually paid at the end of the day.

Declarations must also be lodged in respect of termination of employment when a worker leaves an establishment as well as in respect of a change in the worker's address, family, trade, grade, job and usual place of residence. When the worker is not employed under a written contract of employment, the employer gives him a copy of the declaration concerning him.

Infringements of the provisions of these regulations make an offender liable to the penalty specified in section 221 (b) of the Act of 15 December 1952.

#### *Guadeloupe.*

The Departmental Manpower Committee met for the first time in June 1955.

For statistics of placing operations see under Convention No. 2.

#### *Morocco.*

Order of the Resident-General of 9 December 1930.  
Dahir of 27 September 1921.  
Dahir of 7 May 1940.  
Order of the Vizier of 20 March 1945.  
Order of 20 March 1945.

For an analysis of the above-mentioned regulations see also under Convention No. 2.

The Moroccan Manpower Office is responsible for the free placing of workers, the vocational guidance of children of either sex leaving European and Moroccan schools, the immigration of workers, the emigration of Moroccan workers and vocational training.

The free public employment offices keep registers of employment applications and vacancies, and act as intermediaries for employers and applicants for employment. Direct contact is maintained with employers, employers' organisations, trade unions and charitable societies. If an employment office cannot meet an application for employment or fill notified vacancies, it immediately consults the other employment offices on applications and vacancies elsewhere.

Immigration and emigration questions are dealt with by a central authority, the Central Manpower Department.

Each employment office has a filing system under which workers' files are classified by occupational groups. A counter is reserved for invalids and ex-servicemen.

In Casablanca a regional vocational guidance centre for all occupations guides young persons of either sex, both European and Moroccan, towards the occupations that correspond to their abilities. A psychological testing unit selects adult workers who have not been successful at their jobs or whom certain factors

render unfit to continue practice of their trades. Through its tests this unit supplies valuable information for the rehabilitation of such workers.

The employment service consists of two classes of employees—supervisors who belong to the labour inspection service and clerks who are on the establishment of the general administration.

The Dahir of 7 May 1940 compels employers to apply to employment offices when engaging any workers with some degree of skill. It is chiefly the part played by the joint committee attached to each employment office, however, which enables full use to be made of the employment services on a voluntary basis by agreement with the representatives of employers and workers.

In Morocco there are no private employment agencies which are conducted without a view to profit.

The application of the laws and regulations relating to the employment service is the responsibility of the Director of Labour and Social Affairs. The organisation and operation of public employment offices are supervised by a deputy divisional inspector of labour.

During the period covered by the report 33,297 applications for employment were re-received and 21,380 vacancies were notified; 19,634 persons were placed in employment.

#### *New Caledonia.*

See under Convention No. 2.

#### *Réunion.*

Decree of 20 April 1948.

The employment services in Réunion are being completely reorganised. At the present moment placings are effected by the general offices at St. Denis and St. Pierre-Tampon, in collaboration with the municipal services of the mayoralties. There is a special office for dockers at Pointe-des-Galets.

A departmental manpower board and specialised subcommittees will be established in 1955.

#### *Netherlands.*

##### *Netherlands Antilles.*

National Labour Office Ordinance, 1946.  
Decree of 1946 to apply the above Ordinance.

The labour offices are run by the Department of Social and Economic Affairs. There is one on the island of Curaçao and another on the island of Aruba, and these appear to be sufficient. No provision has yet been made for any advisory committees, since the need for them has not been felt.

The labour offices register applications for employment. As soon as they receive notice of a vacancy, they send for suitable applicants and instruct them to report to the employer with a letter of introduction. They also act as mediators in the event of any dispute between an employer and an employee, provided that the dispute is limited to a single worker or to a small number of workers.

Given the limited employment market, it is neither necessary nor possible to embark on

any far-reaching specialisation in the work of the labour offices.

It has not yet been necessary to pay any particular attention to the problem of young workers, although it is planned to take the matter up in future.

The staff of the labour offices consists of selected officials from the inspection service, which is part of the Department of Social and Economic Affairs. These officials are not given any special training at the present time.

The existence of the labour offices is well known and the offices themselves publish regular announcements in the newspapers.

#### *Surinam.*

The Government refers to the report on Convention No. 2. As the employment service has recently been reorganised the data required will in future be submitted on the basis of the experience acquired. The provisions of the Convention will be applied so far as local conditions will permit.

#### *United Kingdom.*

##### *Guernsey (First Report).*

No legislation or regulations have been enacted to give effect to the Convention.

*Articles 1 and 2 of the Convention.* These Articles are applied.

*Article 3.* Having regard to its size, Guernsey is adequately served by two employment offices. During the year these offices received 3,540 applications for employment and 636 notifications of vacancies; 1,006 persons were placed in employment.

*Articles 4 and 5.* The States Labour and Welfare Committee, whose mandate is "to deal with all matters pertaining to labour, unemployment relief work... and ancillary matters", has power to "appoint such subcommittees as they may consider advisable for the purpose of investigating any matter and reporting thereon to the Committee". Two subcommittees have been appointed, one dealing with apprenticeship and the other with juvenile employment. These subcommittees include persons drawn from employers, workers and teachers.

*Article 6.* Having regard to the size of Guernsey, it is considered that the employment service meets the aims of this Article except in the matter of vocational training and retraining. The States Insurance Authority has, however, statutory powers to rehabilitate an insured person who suffers injury by accident.

*Article 7.* Having regard to its size and to conditions generally in Guernsey, this Article is not considered to be applicable.

*Article 8.* The aim of this Article is achieved through the functioning of the Juvenile Employment Committee.

*Article 9.* The staff of the employment service forms part of the Guernsey Civil Service.

*Article 10.* Formal arrangements have not been made and are not thought necessary.

*Article 11.* There are no private employment agencies which are conducted without a view to profit.

#### *Jersey (First Report).*

There is no employment service on the scale envisaged by the Convention. Because of the small volume of unemployment such a service has not been found necessary. There is one employment office administered by the Insular Insurance Committee and one youth employment office administered by the Education Committee of the States. Work in Jersey falls broadly into two classes—agricultural and non-agricultural—and there is very little transfer of workers between the two classes. The existing system, which appears to work satisfactorily, is considered to be adequate to meet the demands made upon it by the community.

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

*Australia:* New Guinea, Norfolk Island, Papua.

*France:* Cameroons, Martinique, St. Pierre and Miquelon, Togoland.

*Italy:* Trust Territory of Somaliland.

*New Zealand:* Cook Islands and Niue, Western Samoa.

## 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: Belgian Congo and Ruanda-Urundi.

*France.* Ratification: 21 September 1953.  
Applicable without modification: French Guiana, Guadeloupe, Martinique, Réunion.  
No declaration: all other non-metropolitan territories.

*Italy.* Ratification: 22 October 1952.  
No declaration.

*Netherlands.* Ratification: 22 October 1954.  
Applicable without modification: Netherlands Antilles.

Applicable with modification: New Guinea.  
No declaration: Surinam.

*New Zealand.* Ratification: 10 November 1950.  
Not applicable: Cook Islands, Tokelau Islands.  
Decision 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 reserved: all other 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 2 to Convention No. 3.



*Belgium.*

*Belgian Congo and Ruanda-Urundi* (First Report).

A comprehensive study of labour laws and regulations is now being prepared. The Department of the Colonies has drawn up a first draft of a decree on hours of work which lays down in principle that the night work of women and young persons is prohibited. This draft was examined by the Government Council before being submitted to the Colonial Council in the form of a final draft.

The employers' and workers' organisations were consulted in connection with the drafting of the decree.

*France.*

*Cameroons* (First Report).

See under Convention No. 4.

*Comoro Islands* (First Report).

See under Convention No. 4.

*French Equatorial Africa* (First Report).

See under Convention No. 4.

*French Guiana* (First Report).

Labour Code, Book II, Chapter III, Part II, sections 21 to 29.

Decree of 5 May 1928 to issue public administrative regulations defining the allowances and exceptions provided for in sections 17, 24, 25 and 26 of Book II of the Labour Code (L.S. 1928—Fr. 10).

*Article 1 of the Convention.* The report states that the scope of section 21 of Book II of the Labour Code corresponds to that which is covered by the Convention.

*Article 2.* The provisions of Article 2, paragraph 1, are applied by sections 22 and 23 of the Labour Code. The exceptions provided for in paragraph 2 are not reproduced in French legislation.

*Article 3.* The report states that this Article is applied fully under French law.

*Article 4.* An exception in case of emergency is provided for in section 25 of the Labour Code. An exception where the work has to do with raw materials, or materials in course of treatment which are subject to very rapid deterioration, is provided for under section 24 of the Labour Code and under the decree mentioned above.

*Articles 6 to 8.* The exceptions provided for in these Articles are not reproduced in French legislation.

The supervision of the application of the legislation is the responsibility of the Labour Inspectorate. The report adds that the provisions of the Convention do not apply in Guiana, where there is no industry making use of continuous processes and where the employment of women in industry is rather uncommon.

*French Settlements in Oceania* (First Report).

The report reproduces the information supplied in a previous report with regard to Convention No. 4.

*French Somaliland.*

See under Convention No. 4.

*French West Africa* (First Report).

Decree of 18 September 1936 to ensure the protection of women and young persons employed in French West Africa.

Act No. 52-1322 of 15 December 1952 to establish a Labour Code in the Territories and Overseas Territories under the Ministry for Overseas France, sections 113 and 114 (L.S. 1952—Fr. 5).  
General Order No. 5254 of 19 July 1954 to implement the statutory provisions on the employment of women, including pregnant women.

The report cites the provisions of section 114 of the Act of 15 December 1952.

In 1953 Orders were made in all the territories of the Federation to apply section 113 of the Act. These Orders define night work as work done between 10 p.m. and 5 a.m.

Under section 226 of the Act infringements of its provisions lay an offender open to a fine of between 1,000 and 4,000 francs, which is increased to between 4,000 and 10,000 francs with six to ten days' imprisonment in case of a further offence.

General Order No. 5254 of 19 July 1954 provides that women may not be employed on night work of any kind in or about plants, factories, mines, surface workings and quarries, construction sites (including road works and building works) and workshops.

Only one exception is provided for: in industries in which the substance worked would be liable to deteriorate quickly, a temporary exemption from the provisions of section 3 of the Order can be secured by notifying the local Inspector of Labour and Social Legislation.

The notification is to take the form of the despatch, before this special work begins, of a telegram or reply-paid postcard.

This exemption may not be made use of for more than 15 nights a year without a special authorisation from the Inspector of Labour and Social Legislation for the territory.

In all these cases the women concerned must receive compensatory rest of the same duration as the work done under the exemption.

*Guadeloupe* (First Report).

Decree No. 48-592 of 30 March 1948 to extend and consolidate the labour and manpower legislation of metropolitan France in the Departments of Guadeloupe, French Guiana, Martinique and Réunion.

The duty of surveying the application of the laws and regulations which concern the provisions of the Convention is entrusted to the same public servants as in metropolitan France.

During the period from 1 July 1954 to 30 June 1955 the Labour Inspection and Manpower Service included six officials responsible for inspection and supervision. The courts have not given any decisions involving questions of principle relating to the application of the Convention.

Since Guadeloupe is an essentially agricultural territory there are not many establishments within the scope of the Convention, with the exception of building and public works undertakings, and very few women are employed in them. Establishments which work during the night (sugar factories, undertakings for the

manufacture of ice cream, bakeries, electricity works) do not employ women during the night.

During the period under review the employers' and workers' organisations concerned have not made any observations with regard to the practical application of the provisions of the Convention or the French regulations designed to ensure the carrying out of those provisions.

*Madagascar.*

See under Convention No. 4.

*Martinique (First Report).*

Labour Code, Book II, Chapter III, Part II, sections 21 to 29.

*Article 1 of the Convention.* The classification of sawmills and distilleries as either agricultural or industrial undertakings depends on the source of the materials treated in them. If the agricultural undertaking which produces the canes belongs to the manufacturer, as is the case for most of the Martinique undertakings, the whole undertaking is considered to be agricultural. Owing to this fact these undertakings may not be governed by the Labour Code, but as a matter of fact they observe the prohibition with regard to night work.

*Article 2.* Section 22 of Book II of the Labour Code provides that "any work between 10 p.m. and 5 a.m. is considered to be night work".

*Article 3.* The report states that the term "women" is of general application and covers all women employed in industrial establishments without reference to the nature of their work.

*Article 4, clause (a).* Under section 24 of Book II of the Labour Code, in the event of unemployment caused by an accidental interruption of work or by *force majeure* which is not of a recurring character, the head of an undertaking in any industry whatever may be exempt from the application of Article 3 of the Convention, within the limits of the days lost; this exemption is limited to 15 nights without authorisation from the Labour Inspectorate.

Clause (b). This exemption is provided for by section 24 of Book II of the Labour Code.

In practice, no use has been made in Martinique of any of the exemptions provided by Article 4 of the Convention.

*Article 5.* No use has been made of the provisions of paragraph 1 of Article 5.

*Article 6.* No change has been contemplated in the length of the night period.

*Article 7.* No measures have been taken in application of Article 7.

*Article 8.* The Convention does not apply to nursing homes, hospitals, establishments for medical observation, and scholastic establishments.

The supervision of the application of the provisions of the Convention is entrusted to the Labour Inspectorate, which carries it out by means of direct visits or inquiries arising from complaints.

The courts have not given any decisions involving questions of principle with regard to the application of the Convention.

In previous reports on Convention No. 4 it was pointed out that a few women were employed at night in sewing up bags filled with sugar. The Government states that although this was a question of agricultural sugar factories, the Labour Inspectorate approached the employers and the trade union directly in order that a note should be addressed to all the employers reminding them of the prohibition of night work.

*New Caledonia (First Report).*

The report reproduces the information supplied in a previous report with regard to Convention No. 4.

*St. Pierre and Miquelon (First Report).*

See under Convention No. 4.

*Union of South Africa.*

*South West Africa.*

The report states that the Government is following up the suggestion made by the Committee of Experts in 1955 and is studying the possibility of submitting a declaration on the Night Work (Women) Convention (Revised), 1948. Its decision on the subject will be communicated later.

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

*France:* Algeria, Morocco, Réunion.

*Italy:* Trust Territory of Somaliland.

*New Zealand:* Cook Islands and Niue, Western Samoa.

## 90. Night Work of Young Persons (Industry) Convention (Revised), 1948 <sup>1</sup>

*This Convention came into force on 12 June 1951*

*Italy.* Ratification : 22 October 1952.

No declaration.

*Netherlands.* Ratification : 22 October 1954.

Applicable without modification : Netherlands Antilles.

No declaration : all other non-metropolitan territories.

*United Kingdom.*<sup>2</sup>

No declaration : Channel Islands, Isle of Man.

Decision reserved : all other non-metropolitan territories.

<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.

The report from *Italy* with regard to the Trust Territory of Somaliland refers to the information previously supplied.

92. Accommodation of Crews Convention (Revised), 1949<sup>1</sup>

*This Convention came into force on 29 January 1953*

*Denmark.* Ratification : 30 September 1950.  
No declaration.

*France.* Ratification : 26 October 1951.  
Applicable without modification : French Guiana, Guadeloupe, Martinique, Réunion.  
No declaration : all other non-metropolitan territories.

*Portugal.* Ratification : 29 July 1952.  
No declaration.

*United Kingdom.* Ratification : 6 August 1953.  
No declaration.

<sup>1</sup> This Convention revises Convention No. 75 of 1946.

*France.*

*Algeria.*

See under Convention No. 8.

*French Guiana.*

See under Convention No. 53, *Guadeloupe*.

*French West Africa.*

Act No. 54-11 of 6 January 1954 respecting the safeguarding of life at sea and accommodation on board merchant, fishing and pleasure vessels, promulgated in the Federation by Order No. 2-944 of 15 April 1954.

The possibility of applying the Convention is now being investigated. Various metropolitan regulations will be promulgated and specifically local regulations will be drafted.

*Guadeloupe.*

See under Convention No. 53.

*Martinique.*

See under Convention No. 53, *Guadeloupe*.

*Morocco.*

Dahir of 6 July 1953 (L.S. 1953—Mor. (French Zone) 3).

Under section 33 *ter* of the Dahir cited above the health and safety rules contained in the French regulations of 1 September 1934 and 3 March 1937, as well as in amending and supplementary regulations, with the exception of the provisions of those regulations that relate to the composition, procedure and functions of the central safety board and the national appeals board, are applicable to ships flying the Moroccan flag if they are of more than 25 gross register tons.

The Dahir refers to the French regulations that were in force at the time of its promulgation. These regulations had been made under a French Act of 16 June 1953 on safety in maritime navigation and on hygiene on board merchant, fishing and pleasure vessels. This Act was superseded by Act No. 54-11 of 6 January 1954 respecting the safeguarding of life at sea and accommodation on board merchant, fishing and pleasure vessels.

An amendment to section 33 *ter* of the Dahir of 6 July 1953 is soon to be put forward for the purpose of making the provisions of the new Act applicable to ships flying the Moroccan flag, so that Moroccan legislation will remain in line with French legislation.

The Government states that in relation to this Convention one could speak of "intended application".

*Réunion.*

See under Convention No. 53, *Guadeloupe*.

*Togoland* (First Report).

There are no vessels registered in Togoland.

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

*Denmark* : Faroe Islands, Greenland.

*France* : Cameroons, French Equatorial Africa, French Settlements in Oceania, French Somaliland, Madagascar, New Caledonia, St. Pierre and Miquelon.

## 94. Labour Clauses (Public Contracts) Convention, 1949

*This Convention came into force on 20 September 1952*

*Belgium.* Ratification : 13 October 1952.  
Applicable without modification : Belgian Congo and Ruanda-Urundi.

*Denmark.* Ratification : 15 August 1955.  
No declaration.

*France.* Ratification : 20 September 1951.  
Applicable without modification : French Guiana, Guadeloupe, Martinique, Réunion.  
No declaration : all other non-metropolitan territories.

*Italy.* Ratification : 22 October 1952.  
No declaration.

*Netherlands.* Ratification : 20 May 1952.  
Applicable without modification : Netherlands Antilles, Surinam.

Not applicable : New Guinea.

*United Kingdom.* Ratification : 30 June 1950.  
Applicable *ipso jure* without modification<sup>1</sup> : Channel Islands, Isle of Man.  
No declaration : all other non-metropolitan territories.

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

*Belgium.*

*Belgian Congo and Ruanda-Urundi* (First Report).

The Government is at present studying the possible application of this Convention to the Belgian Congo and Ruanda-Urundi.

*France.**French Equatorial Africa.*

According to the regulations in force the clauses and general conditions of public works contracts must include safeguards regarding the workers' wages. Should the contractor default the Government can assume responsibility for payment. Moreover, under a special clause the workers concerned are entitled to all social benefits provided under current legislation; statutory restrictions on hours and conditions of work are also enforced.

The Inspectorate of Labour and Social Legislation, together with the inspectors of the Public Works Department, are responsible for enforcing the regulations.

*French West Africa.*

General Circular No. 88/SET/3A of 1 October 1954.  
General Circular No. 102/SET/3A of 17 December 1954.  
General Circular No. 493 of 8 June 1955.  
General Circular No. 727 of 7 September 1955.

The general scope of Act No. 52-1322 of 15 December 1952 led the administration to lay down in greater detail, in the Circulars cited above, the conditions to be complied with in contracts to which various government departments are parties. The provisions of these Circulars were first examined by the General Inspectorate of Labour and Social Legislation of the Federation, which granted its visa for the four documents.

These instructions serve the purpose of the Convention.

*Morocco.*

The standard set of rules and general conditions imposed on public works contractors to public authorities lays down the labour clauses which are to be included in their contracts.

The scope of the standard set of rules is defined as follows: "All contracts relating to the execution of works on behalf of a public authority in the French zone of Morocco, whether originating in a competitive tender of some kind or in a private agreement, are subject to the provisions of the aforesaid standard set of rules and general conditions unless an exception is expressly provided for in the tender submitted in the particular case". No exception is provided for in respect of contracts entered into by authorities other than the central authorities. No tender may be accepted until the approval of the competent authority has been obtained.

The wages paid to the workers must not be lower in any particular grade than the rates listed in the schedule of minimum wages which is appended to the particular tender. The contractor is required to communicate to the Administration on request all the documents needed to verify that the wages paid to his workers have not been lower than those mentioned in the schedule. If the Administration discovers a difference, it compensates the workers affected directly by withholding payments due to the contractor or by withholding refund of his deposit. If wage payments are in arrears, the Administration reserves the right to pay the arrears forthwith by withholding payment

of sums due to the contractor or by withholding refund of his deposit. The labour legislation regulates the hours of work.

The contractor has to follow the orders given by the civil engineer for the good running of the work site. He is to ensure compliance, at his own expense, with measures for public order prescribed by the authorities, and has sole responsibility for dealing with the consequences of any occupational accident affecting his employees and workers or third parties.

Within a fortnight of being notified of the approval of his contract, a contractor must produce a certificate from an authorised representative of an insurance company licensed to do business in the French zone of Morocco, to the effect that he has insured his staff against the risks listed in existing legislation on occupational accidents. Moreover if the contractor uses motor vehicles to carry out the work he must produce within a fortnight of receiving notice of the approval of his contract a certificate from an insurance company licensed to do business in the French zone of Morocco to the effect that he has a third-party insurance (covering the drivers as well) amounting to at least 400,000 francs per vehicle and per accident. No account will be established by the Administration so long as the contractor has not fulfilled the latter two obligations.

The employer is also responsible for any damage to public or private property resulting from his methods of working and procedure on the work site.

The employer must organise the statutory medical service on the site and make available at his own expense medical care, pharmaceutical supplies and compensation payments if the workers meet with accidents or sickness arising out of their employment.

The contractor must meet the expenses involved in all the measures prescribed by the health service to ensure that the work sites will not be unhealthy and to prevent epidemics from occurring. If the employer fails to comply with instructions concerning the application of health measures requested by the public health service, the Administration may apply these measures at the contractor's expense after giving him due warning.

The Moroccan administration is responsible for the application of the laws and regulations and for the organisation and operation of inspection services.

*Réunion.*

Order of the Ministry of Public Works.  
Various decrees dated 1882, 1910, 1913, 1923, 1925, 1927, 1931, 1937 and 1954.

The report states that the Convention is applied to contracts concluded by the central authorities, the State as well as the Departments. It is of general application and there are no exemptions.

*Article 2 of the Convention.* The conditions of work under public contracts are the same as those in the private sector.

The Labour Code applies to Réunion and assures the protection of workers.

The Inspectorate of Labour and Manpower is the supervising authority. In 1952 about

40 contracts were concluded with 15 undertakings. In 1954-55 about 100 contracts were concluded with 24 undertakings.

*St. Pierre and Miquelon.*

Ministerial Circular No. 49-194/PELBE of 26 October 1953.

The Circular prescribes the contents of contracts of employment concluded by the Government.

*Netherlands.*

*Netherlands Antilles.*

The general labour regulations also apply to the execution of public works. No exceptions have been made in the relevant legal provisions.

*Surinam.*

The Government states that it aims at applying the provisions of the Convention to the greatest possible extent and that as a rule the contracts referred to the statutory provisions that are in force.

*United Kingdom.*

*Guernsey (First Report).*

Resolution of the States of Deliberation of 21 July 1948.  
Health, Safety and Welfare of Employees Law, 1950.

The provisions of the Convention are applied by the Resolution of 21 July 1948 which provides that "a Fair Wages Clause shall be inserted in all States contracts to which such a clause is applicable, which clause shall embody the principle that rates of pay and conditions of employment shall be not less favourable than those established in the district where the work is carried out".

*Article 1, paragraphs 1 and 2 of the Convention.* The terms of the Fair Wages Clause are either included in contracts as being part of the standard conditions of contract or else subscribed to by the contracting firms.

Paragraph 3. This is not specifically included in the Fair Wages Clause but such clause may be reimposed on the subcontractor.

Paragraphs 4 and 5. No advantage has been taken of the exemptions provided for under these paragraphs.

*Article 2, paragraphs 1 and 2.* The Fair Wages Clause in the standard conditions of contract obliges the contractor to pay rates of wages and observe hours and conditions of labour not less favourable than those established for the trade or industry in the district by the appropriate machinery of negotiation or arbitration. Where wages or conditions have not been determined in this way, the minimum standard to be observed is that of employers whose general circumstances in the industry or trade in which the contractor is engaged are similar.

Paragraph 3. Before the Fair Wages Resolution was accepted by the States of Deliberation its wording was agreed by the States Board of Administration and the local Secretary of the Transport and General Workers Union.

Paragraph 4. In all building contracts the Fair Wages Clause forms part of the standard conditions of contract.

*Article 3.* The provisions of the Article are covered by Ordinances made under the Health, Safety and Welfare of Employees Law, 1950.

*Article 4.* There are no standing regulations under which the provisions of clause (a) (i), (ii) and (iii) are enforced. No formal records are kept as envisaged in clause (b) (i), nor is there any system of inspection as mentioned in clause (b) (ii).

*Article 5, paragraph 1.* If as a result of a complaint a contractor is found by an independent tribunal set up under the Industrial Disputes and Conditions of Employment Laws, 1947 and 1952, to have committed a serious breach of the Fair Wages Clause in the standard conditions of contract, further contracts may be withheld until there is full compliance.

Paragraph 2. Under the standard conditions of contract payment may be withheld from a contractor in the case of neglect or default in fulfilling any of the provisions contained in the contract.

*Article 7.* No areas have been excluded from the provisions of the Convention.

Each Department of the States of Guernsey is responsible for seeing that the Fair Wages Clause is inserted in its contracts. No provision is made for formal inspection.

*Jersey (First Report).*

The report states that the provisions of the Convention are applied as a matter of general practice. The States of Jersey, through the various Committees of the States, are the only public body concerned with the placing of public contracts and it is normal practice for every contract so placed to include a Fair Wage Clause.

The Government's view is that no need exists for legislation to implement this Convention as the States of Jersey are themselves invariably a party to each contract of the type envisaged by the Convention. No adverse comments have been received regarding the existing practice and it is considered generally that it is satisfactory.

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

*France:* Algeria, Cameroons, French Guiana, French Settlements in Oceania, French Somaliland, Guadeloupe, Madagascar, Martinique, New Caledonia, Togoland.

*Italy:* Trust Territory of Somaliland.

## 95. Protection of Wages Convention, 1949

*This Convention came into force on 24 September 1952*

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*France.* Ratification : 15 October 1952.  
Applicable without modification : French Guiana, Guadeloupe, Martinique, Réunion.  
No declaration : all other non-metropolitan territories.

*Italy.* Ratification : 22 October 1952.  
No declaration.

*Netherlands.* Ratification : 20 May 1952.  
Applicable without modification : Netherlands Antilles, Surinam.  
Applicable with modification : New Guinea.

*United Kingdom.* Ratification : 24 September 1951.  
No declaration : all other non-metropolitan territories.

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*France.*

*Algeria.*

During the period under review 1,241 infringements were reported and proceedings were instituted in 602 cases.

The majority of the proceedings were instituted for failure to apply the guaranteed minimum wage in various occupations, notably the building trades, civil and military tailoring, etc.

There are few, if any, wage agreements, and this explains the somewhat chaotic practices followed with regard to wages.

In some cases proceedings were instituted for failure to pay sufficient wages to women and young workers, for whom it is always difficult to enforce the guaranteed minimum inter-occupational wage (there is the ever-present problem of fraud created by fictitious contracts of apprenticeship).

Inspectors have also reported difficulties in exercising effective supervision, because of fraudulent practices and the fact that some employers take advantage of the inadequacy of the regulations governing the preparation of pay slips.

The report points to the desirability of extending the new provisions contained in section 44 (a) of Book I of the Labour Code in the interests of better supervision. Such an extension, however, would not suffice to prevent fraud, which is encouraged by the abundant supply of cheap labour and the wage disparities in industry and agriculture.

In some cases proceedings were also instituted by the inspection service against the heads of undertakings who continued to have their pay ledgers countersigned by the mayor instead of the local magistrate.

*Cameroons.*

Decree No. 55-972 of 16 July 1955, respecting attachment, assignment and deductions in the salaries or wages of the workers covered by Act No. 52-1322 of 15 December 1952, is to be enacted in the territory almost immediately.

*French Equatorial Africa.*

Decree No. 55-972 of 16 July 1955 respecting attachment, assignment and deductions in the salaries or wages of workers.

This decree restricts the proportion of wages which may be assigned or attached.

Wages are always paid in cash. In some cases, however, where the daily food ration is supplied by the employer a certain sum as prescribed by the decree may be deducted.

For the enforcement of the regulations see under Convention No. 15.

*French Guiana.*

The provisions of Book I of the Labour Code are completely applicable to French Guiana, and the Convention is thus applied under the same conditions as in metropolitan France.

It should, however, be noted that in practice the employers in mines and lumbering in Inini keep works stores from which the workers buy supplies.

*French Settlements in Oceania.*

Decree No. 55-972 of 16 July 1955 respecting attachment, assignment and deductions in the salaries or wages of workers.

The above-mentioned Decree has been published in the territory.

There is only one single undertaking in the territory which has a general store which supplies commodities to the workers; the store prices are controlled.

The Labour Inspectorate has received a number of complaints with regard to the drawing up or the non-delivery of the pay slip; the Inspectorate has made representations to the employers concerned.

*French West Africa.*

Decree No. 55-972 of 16 July 1955 respecting attachment, assignment and deductions in the salaries or wages of workers.

The report cites the provisions of sections 99 to 111 of Act No. 52-1322 of 15 December 1952.

Local Orders issued in each territory and providing for the issue of individual pay slips and for the keeping of a register of payments enable the worker to furnish written proof of the particular sums paid in respect of the wages he has earned at any time, and the reproduction in the register of all the items listed on the individual pay slip enables the labour inspectors to carry out their duties by comparing the pay slips in the worker's possession with the register of payments kept by the employer. By issuing these Orders the chief officers of individual territories have taken all the desirable precautions to ensure that wages are strictly protected.

The Decree cited above determines the portion of the wage from which progressive deductions may be made and the rates of such deductions, and divides the wage into sections of which the attachable portions range from one-twentieth to one-third. The portion that may be attached is so slight that these regulations guarantee that the debtor will receive almost his entire wage, however indebted he may be. The pro-

visions relating to the procedure of assignment and attachment ensure strict protection of wages.

Over the Federation as a whole about 100 works or estate stores have been authorised by Orders issued by the chief officers of particular territories since the implementation of the Act of 15 December 1952. These institutions exercise a remarkable influence as regards the protection of wages in that they support the worker's purchasing power by enabling him to acquire essential foodstuffs without allowing the tradespeople the profit margin which applies in retail trade generally.

#### *Morocco.*

Dahir of 12 August 1913 constituting a Code of Obligations and Contracts.

Dahir of 24 January 1953 respecting the calculation and payment of wages, works and estate stores, competitive wage bargaining and the terms offered by subcontractors.

The Dahir of 24 January 1953 applies to all workers employed by a person in an industrial or commercial occupation or in a liberal profession, by a person acting as a contractor, or by a lay society, union, association or organised group of any kind whatsoever.

Wages payable in money may be paid only in legal tender, notwithstanding any provision to the contrary.

Allowances in kind may be granted in occupations or undertakings in which this is customary practice or when such payments are provided for by the collective agreement or rules applying the establishment.

Wages are paid to the worker directly, and the worker's freedom to dispose of his wages is not limited.

No employer may impose on his staff an obligation to spend the whole or part of their wages in stores indicated by him. Similarly, an employer may not add an estate or works store to his establishment without permission from the Director of Labour and Social Affairs, and the purveyors of the workers' needs may not be paid directly by the employer unless a written agreement to that effect so provides.

Any sums the workers may owe their employer on account of miscellaneous supplies, other than the tools required for their work, substances and materials in the workers' hands and advances for the purchase of these items, may not be set off against the amount of wages due to them. Employers making advances in kind may not deduct more than 10 per cent. from wages. Any deduction from wages with a view to ensuring a payment for the purpose of obtaining or retaining employment is prohibited. Wages may be attached or assigned only within limits prescribed by the regulations.

Workers are privileged creditors as regards all the wages due to them for service rendered during the six months preceding bankruptcy or judicial liquidation. Notwithstanding any other debt the portion of wages that may not be attached is to be paid within ten days following adjudication in bankruptcy or a judicial liquidation. Wages rate fourth among privileged debts.

Wages are to be paid at least twice a month at intervals of not more than 16 days. Salaries are to be paid at least once a month, and the commission due to commercial travellers and agents must be paid at least once a quarter. The wages of workers paid by the hour or by the day must be paid within 24 hours when the workers concerned are discharged and within eight days when they leave their employer of their own accord.

Wages may not be paid on a day on which the worker is entitled to rest, but if the day of rest for workers in a building or public works undertaking is the market day the wages may be paid on that day provided this is done before 9 a.m. No payment may be made in taverns or shops except in the case of persons employed therein.

Every worker must have a contract, a letter of engagement or a work card on which the amount of the wage is given. Fines are payable for non-observance of the regulations.

The supervision of the application of the legislation is the responsibility of the labour inspectors and supervisors.

During the period covered by the report 1,456 infringements were discovered and 283 cases were reported to the law enforcement authorities.

#### *New Caledonia.*

There is no Order respecting "company stores", since Act No. 52-1322 of 15 December 1952 is sufficiently explicit with regard to the operating conditions of such stores.

#### *Réunion.*

Labour Code (new sections 44 (a) and 44 (b)).  
Decree No. 54-1206 of 24 December 1954.

The report states that the Labour Code is applied. With regard to Article 4 of the Convention, the report gives in detail the methods of calculating the daily supply of allowances in kind (housing and food) established by custom and agreements, subject of course to the payment of the guaranteed inter-occupational minimum wage.

#### *Netherlands.*

##### *Netherlands Antilles (First Report).*

Legal provisions to apply this Convention have been inserted in sections 1614 and 1615 of the Civil Code.

Generally speaking the Convention is properly applied in the territory.

##### *Surinam (First Report).*

The report states that the provisions of the Labour Code dealing with contracts of employment ensure that the Convention is applied.

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

*France:* French Somaliland, Guadeloupe, Madagascar, Martinique, St. Pierre and Miquelon.

*Italy:* Trust Territory of Somaliland.

96. Fee-Charging Employment Agencies Convention (Revised), 1949<sup>1</sup>

*This Convention came into force on 18 July 1951*

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*France.* Ratification<sup>2</sup>: 10 March 1953.  
Not applicable: French Guiana, Guadeloupe, Martinique, Réunion.  
No declaration: all other non-metropolitan territories.

*Italy.* Ratification<sup>2</sup>: 9 January 1953.  
No declaration.

*Netherlands.* Ratification<sup>2</sup>: 20 May 1952.  
Applicable without modification: Surinam.  
Not applicable: Netherlands Antilles, New Guinea.

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<sup>1</sup> This Convention revises Convention No. 34 of 1933.  
<sup>2</sup> Part II.

*France.*

*Algeria* (First Report).

No fee-charging employment agency has operated during the period under review.

*Cameroons* (First Report).

The Government supplies information relating to the Employment Service and the Manpower Office, the operations of which are free of charge.

See, under Conventions No. 2 and No. 88, the reports supplied for the period 1953-54, which appeared in the summary of reports prepared for the 38th Session of the Conference.

*French Equatorial Africa* (First Report).

Act No. 52-1322 of 15 December 1952, sections 174 to 178 (L.S. 1952—Fr. 5).  
General Order No. 4-095 of 26 December 1953 respecting the general organisation of manpower offices in French Equatorial Africa.

Under this legislation only trade unions are allowed to maintain or open a private employment office or agency of any description.

For the enforcement of the regulations see under Convention No. 15.

*French Guiana* (First Report).

The regulations with regard to employment exchanges are the same as those in metropolitan France.

There are no fee-charging employment agencies. The only employment exchange is the one which was set up on the premises of the Labour Inspectorate at Cayenne.

*French Settlements in Oceania* (First Report).

The Convention is inoperative, since there are no fee-charging employment agencies in the territory.

*French Somaliland* (First Report).

Act No. 52-1322 of 15 December 1952, section 178 (L.S. 1952—Fr. 5).  
Order No. 436 of 6 April 1954 to organise a territorial manpower office.

Under the Act it is an offence, except for industrial unions authorised by the Act, to maintain or open any form of private employ-

ment agency. No trade union is at present operating such an office.

*French West Africa* (First Report).

Act No. 52-1322 of 15 December 1952, sections 174 to 178 (L.S. 1952—Fr. 5).

Under the Act the services of the manpower offices are free of charge. It is unlawful to offer or give to any person connected with a manpower office, or for such a person to receive, a reward of any kind. In the regions where a manpower office is established no form of private placement bureau or office may be maintained or opened except by the trade unions.

Under the above-mentioned statutory provisions fee-charging employment agencies may not exist, nor do they exist in practice.

*Guadeloupe* (First Report).

There are no fee-charging employment agencies in Guadeloupe.

*New Caledonia* (First Report).

The report states that the Convention is inoperative, as there are no fee-charging employment agencies in the territory.

*Martinique* (First Report).

There are no fee-charging employment agencies in Martinique. The only service which engages in placing is the employment office of the Departmental Directorate at Fort-de-France.

*Morocco* (First Report).

Dahir of 27 September 1921.

Fee-charging employment agencies have been prohibited by the above-mentioned Dahir.

*Réunion* (First Report).

Labour Code, Chapter III of Book I.

There are no fee-charging employment agencies in Réunion.

*St. Pierre and Miquelon* (First Report).

There are no fee-charging employment agencies in the territory.

*Togoland* (First Report).

There are no fee-charging employment agencies in Togoland.

*Netherlands.*

*Netherlands Antilles* (First Report).

There are no fee-charging employment agencies in the territory.

*Surinam* (First Report).

There are no fee-charging employment agencies in Surinam. The employment service is run by the Government and is free of charge.



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.  
Not applicable: French Guiana, Guadeloupe, Martinique, Réunion.  
No declaration: all other non-metropolitan territories.

*Italy.* Ratification: 22 October 1952.  
No declaration.

*Netherlands.* Ratification: 20 May 1952.  
Not applicable: all non-metropolitan territories.

*New Zealand.* Ratification: 10 November 1950.  
Not applicable: Tokelau Islands.  
Decision reserved: Cook Islands, Western Samoa.

*United Kingdom.* Ratification: 22 January 1951.  
Applicable without modification: Guernsey, Jersey, Isle of Man.  
No declaration: all other non-metropolitan territories.

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<sup>1</sup> This Convention revises Convention No. 66 of 1939.

*Belgium.*

*Belgian Congo and Ruanda-Urundi* (First Report).

The Government considers it advisable to await the results of applying the principles of Recommendation No. 100 concerning migrant

workers in non-metropolitan territories, which was framed in the light of the economic and social situation of non-metropolitan territories, before considering the extension of Convention No. 97 to these territories.

*Netherlands.*

*Netherlands Antilles* (First Report).

There are no special provision on migration for employment. However, during their term of employment, migrants for employment have the same employment status and rights as regards the termination of employment as persons born in the Netherlands Antilles.

*Surinam.*

Migration of the kind envisaged in the Convention does not occur in Surinam.

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

*Italy:* Trust Territory of Somaliland.

*New Zealand:* Cook Islands and Niue, Western Samoa.

## 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.

*Denmark.* Ratification: 15 August 1955.  
No declaration.

*France.* Ratification: 26 October 1951.  
Applicable without modification: French Guiana, Guadeloupe, Martinique, Réunion.  
No declaration: all other non-metropolitan territories.

*United Kingdom.* Ratification: 30 June 1950.  
Applicable *ipso jure* without modification<sup>1</sup>: Channel Islands, Isle of Man.  
No declaration: all other non-metropolitan territories.

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

*Belgium.*

*Belgian Congo and Ruanda-Urundi* (First Report).

The application of this Convention to non-metropolitan territories is under consideration.

*France.*

*Algeria.*

Supervision is exercised by means of inquiries made in undertakings and by the presence of labour inspectors on conciliation boards.

*Cameroons.*

In application of the provisions of sections 73 and 74 of Act No. 52-1322 of 15 December 1952,

collective agreements are required to contain provisions regarding the free exercise of freedom of association and freedom of opinion for the workers.

At the request of one of the trade union organisations deemed to be the most representative of the employers or workers concerned, or on his own initiative, the chief officer of the territory or group of territories arranges for a joint committee to meet with a view to concluding a collective agreement to regulate relations between employers and workers in a particular branch of activity on a federal, territorial, regional or local basis. The committee is composed of representatives in equal numbers from the most representative workers' organisations and from the most representative employers' organisations. The representative character of a trade union or of an occupational group is determined by the chief officer of the territory or group of territories, after assembling all relevant information and consulting the Inspectorate of Labour and Social Legislation.

An appeal may be made, if necessary, within 15 days to the chief officer of the group of territories against the decision of the chief officer of the territory. All decisions of the chief officer of a group of territories or of the chief officer of an ungrouped territory or trusteeship territory may be referred within a like time limit to the Minister for Overseas France.

If a joint committee is unable to reach agree-

ment regarding one or more provisions to be inserted in the collective agreement, the Inspectorate of Labour and Social Legislation shall, at the request of any of the parties, assist in overcoming such disagreement.

*French Equatorial Africa.*

The regulations issued under Act No. 52-1322 of 15 December 1952 instituted the widest possible freedom of association and eliminated any discrimination that might impair it where employment is concerned. These safeguards have been extended to the police.

*French Guiana.*

Constitution of 27 October 1946.  
Labour Code, Book I (Chapter IV *bis*) and Book III.

The Government states that effect is given to the provisions of the Convention by the above-mentioned legislation; in addition, the special legislative texts respecting staff representatives and representatives on works committees ensure security of employment for the persons concerned. These provisions are the same as those for metropolitan France and are applied in the same manner.

*French West Africa.*

Act No. 52-1322 of 15 December 1952, sections 209 (as amended) and 218 *bis* (L.S. 1952—Fr. 5).

During the second half of 1955 and in 1956 the existing agreements are to be recast in order that their form and content may tally with the provisions of the new labour legislation for French Overseas Territories.

The report states that not only are the principles of the right to organise and to bargain collectively as covered by the Convention guaranteed by law and observed in practice, but also in case of industrial disputes the law imposes a specified collective bargaining procedure involving conciliation and arbitration. The Act provides that the labour inspector is to be notified of the industrial dispute by the parties, that the parties are to be summoned by the labour inspector for the purposes of conciliation, and that if they refuse to attend a second attempt is to be made within 48 hours. If an agreement is reached a conciliation record is to be communicated to the parties. If no agreement is reached a record of non-conciliation is drawn up. This record mentions the points that are still at issue. Within four days of the failure of conciliation proceedings the parties are convened by the labour inspector to choose an expert. If they fail to agree on the choice an expert is appointed within 24 hours by the competent authority. Within eight days the expert submits a report and a recommendation, and this must be communicated to the parties within 24 hours of the time when the report is submitted to the labour inspector. At the end of four clear days the recommendation becomes enforceable if none of the parties has entered an application for a stay. Such an application is made by registered letter addressed to the labour inspector, who refers the dispute to the arbitration board. There is no time limit on the board's deliberations; it communicates its award to the labour inspector, who immediately notifies the parties.

The award becomes enforceable if none of the parties has entered an application for a stay on the expiry of four clear days. Recourse to lockouts or strikes is prohibited if the procedure outlined above has not run its course, if such recourse violates the conciliation agreements or if it violates a binding recommendation or an enforceable award. Non-observance of this prohibition may entail payment by the employers to the workers of the wages lost and loss of the right to payment in lieu of notice and to damages for breach of contract for the workers. A strike started after an application has been entered for a stay to an arbitration award does not entail breach of contract.

The report notes that the procedure outlined above is conducive to the establishment of a system for the settlement of industrial disputes that corresponds to local needs and is in harmony with trends in public opinion and with institutional developments. The purpose of this procedure is to improve industrial relations and bring them back to normal without limiting in any way the liberties guaranteed by the legislation.

*New Caledonia.*

In 1955 an industrial collective agreement was signed between the Employers' Federation and the Independent Trade Union of Workers in the Metal Industry. The main feature of this agreement is that it has abolished every vestige of racial discrimination. However, the reclassification of the wages of the categories which were not covered by the previous agreement is to be carried out in annual stages.

*Réunion.*

Labour Code, Book III.

The report states that the Convention is applied in Réunion by the above-mentioned legislation.

The Government adds that the activities of the central trade unions had appeared to be slowing down but are now being revived. In agriculture and in transport, in particular, trade unions and departmental workers' unions have been established. At the same time employers' groups are planning to form groups of federations under the auspices of the National Council of French Employers (C.N.P.F.).

Up to the present discussions between workers and employers have not had the desired results owing to the lack of workers' leaders. However, it appears that a more constructive period can be anticipated.

*Togoland.*

Order No. 880-51/IT of 8 December 1951.

The report states that collective agreements are in force in Togoland for workers in commercial undertakings and industry; one, the Seimpex, has been in force since 1946, and the other, the Unisyndi, since 1951, under the terms of the above-mentioned Order.

*United Kingdom.*

*Guernsey (First Report).*

Industrial Disputes and Conditions of Employment Laws, 1947 and 1952.  
Industrial Disputes (Rules of Procedure and Scale of Fees (Provisional)) Ordinance, 1947.

The Government states that Convention No. 98 is applied by the above-mentioned legislation and by practice.

*Article 1 of the Convention.* Workers in Guernsey enjoy adequate protection against the acts described in this Article by virtue of the strength of their collective organisation in trade unions and also by the fact that employers and workers have accepted the principles underlying this Article.

*Article 2.* The principles of this Article are accepted in Guernsey by workers and employers.

*Articles 3 and 4.* Questions relating to terms and conditions of employment are settled by negotiations between employers and workers in industry. Under the Industrial Disputes and Conditions of Employment Laws the services of the industrial disputes officer are always available to workers and employers.

*Article 5.* Guernsey has no armed forces. There are no restrictions on the right of the police to organise.

*Jersey (First Report).*

The Government indicates that effect is given to this Convention by common law and practice. There is no restriction on the right to organise or associate for lawful object.

Voluntary negotiations often take place between employees and employers. The Federation of Jersey Employers has been formed to co-ordinate wages between the various trades. The majority of workers in the various trades are members of a trade union. From the point of view of numerical strength the most important is the Transport and General Workers Union.

The Government states that it does not consider there is any need to introduce legislation to implement this Convention, as the population is small, and that it finds that the present arrangements work very satisfactorily.

The reports from *France* in regard to the following territories either reproduce or refer to the information previously supplied :

French Settlements in Oceania, French Somaliland, Guadeloupe, Madagascar, Martinique, Morocco, St. Pierre and Miquelon.

## 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.  
Applicable without modification : French Guiana, Guadeloupe, Martinique, Réunion.  
No declaration : all other non-metropolitan territories.

*Netherlands.* Ratification : 11 June 1954.  
Not applicable : Netherlands Antilles, New Guinea.  
No declaration : Surinam.

*New Zealand.* Ratification : 1 July 1952.  
Applicable without modification : Cook Islands.  
Not applicable : Tokelau Islands.  
Decision reserved : Western Samoa.

*United Kingdom.* Ratification : 9 June 1953.  
Applicable without modification : Isle of Man.

No declaration : all other non-metropolitan territories.

*New Zealand.*

*Cook Islands and Niue.*

At present the daily rate of pay for unskilled labour is 10s. 6d.

*Western Samoa.*

It is anticipated that the provisions of this Convention will be taken into account in a proposed labour ordinance.

## 100. Equal Remuneration Convention, 1951

*This Convention came into force on 23 May 1953*

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*Belgium.* Ratification : 23 May 1952.  
Not applicable : Belgian Congo and Ruanda-Urundi.  
*France.* Ratification : 10 March 1953.  
Applicable without modification : French Guiana, Guadeloupe, Martinique, Réunion.  
No declaration : all other non-metropolitan territories.

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*Belgium.*

*Belgian Congo and Ruanda-Urundi (First Report).*

This question is also dealt with in Parts V and VI of the Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82), which was ratified by Belgium by the Act of 13 January 1955.

Both male and female indigenous workers are ensured protection under the Recruiting of Indigenous Workers Convention, 1936 (No. 50) and the Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64), which were made applicable to the Belgian Congo and Ruanda-Urundi by the Act of 10 September 1947.

*Article 1 of the Convention.* Part VI of Convention No. 82, concerning non-discrimination on grounds of race, colour, sex, belief, tribal association or trade union affiliation, provides that wage rates must be fixed according to the principle of "equal pay for equal work".

*Articles 2 and 3.* Part V of Convention No. 82, concerning the remuneration of workers

and related questions, especially the fixing of minimum wages, embraces all indigenous workers without distinction as to sex.

*Article 4.* Consultation with the organisations of employers and workers regarding the fixing of minimum wages and the application of the principle of "equal pay for equal work" is likewise provided for in Part V of Convention No. 82.

Convention No. 82 is framed in the light of the economic and social position in non-metropolitan territories and affords every safeguard for the application of the principles set forth in Convention No. 100.

#### *France.*

##### *Algeria (First Report).*

There are practically no industries in which men and women are employed on identical jobs without discrimination; in the rare cases where this happens, equal remuneration is the rule. Wages are generally fixed by collective agreement.

##### *Cameroons (First Report).*

Act No. 52-1322 of 15 December 1952, sections 91 to 98 (L.S. 1952—Fr. 5).

Local Order No. 2729 of 28 May 1953.

Local Orders Nos. 5892 of 1 December 1953, 6013 of 5 December 1953, 6178 and 6179 of 12 December 1953.

Local Order No. 5270 of 7 October 1954.

Under the terms of the above-mentioned legislation, which is applicable to every person to whom wages are paid or payable, the terms "remuneration" and "equal remuneration" are understood in the same sense as that of the Convention.

Section 91 of the Act of 15 December 1952 lays down in particular that: "In equal conditions as regards work, skill and output, the same wage shall be payable to all workers, irrespective of their origin, sex, age and status, subject to the provisions of this title".

The system for fixing wages is as follows: Orders by the chief officer of the territory, after he has consulted the Labour Advisory Board, fix the wage zones and the guaranteed inter-occupational minimum wages, taking into account for these wages the price of commodities and the model budget adopted by the Labour Advisory Board. Minimum wages are fixed without restriction by inter-trade union agreements concluded between the representatives of the occupational organisations of workers and of employers for the whole body of workers, graded by categories. In the absence of collective agreements or if they have no relevant provisions, the Orders of the chief officer of the territory fix minimum wages by occupational categories.

No judicial decision has been given during the period under review with regard to the application of the Convention. The laws and regulations are enforced without difficulty.

##### *French Equatorial Africa (First Report).*

Act No. 52-1322 of 15 December 1952, section 91 (L.S. 1952—Fr. 5).

The Act formally prohibits all discrimination relating to remuneration that is not justified by

a difference in skill, output or conditions of work; there are no exceptions to this prohibition. The principle laid down in the Act is generally and continuously applied.

For the application of the legislation see under Convention No. 15.

##### *French Guiana (First Report).*

There is no provision requiring equal pay for men and women but the regulations fixing the guaranteed minimum wage apply equally to both sexes. Where the scale of pay is not otherwise specified women are always paid the guaranteed minimum wage.

The only agreements in existence affect dock work, in which no women are employed. In practice it is uncommon for women to be employed except in office work or in other established feminine occupations, e.g. in shops, laundries and hospitals.

##### *French Settlements in Oceania (First Report).*

The Convention is inoperative, since no discrimination is made between male and female labour.

##### *French Somaliland (First Report).*

Act No. 52-1322 of 15 December 1952, section 91 (L.S. 1952—Fr. 5).

Order of 31 August 1953 to apply section 95 of the above-mentioned Act.

The principle of equal remuneration for men and women workers is fully respected under the above legislative texts. There are very few women workers in the territory.

Supervision of the application of the Convention is entrusted to the Inspector of Labour and Social Legislation.

##### *French West Africa (First Report).*

Act No. 52-1322 of 15 December 1952, section 91 (L.S. 1952—Fr. 5).

The principle of equal remuneration for men and women workers for work of equal value is given absolute binding force by section 91 of the Act, which lays down in particular that: "In equal conditions as regards work, skill and output, the same wage shall be payable to all workers, irrespective of their origin, sex, age and status, subject to the provisions of this title".

Accordingly both the guaranteed minimum wage for all occupations and the graded minimum wages for particular ones apply to all workers irrespective of sex, exclusively in accordance with the job and the responsibilities assumed. The provisions of collective agreements which fix particular rates for European women workers relate to cases in which the jobs in question are always done by women and which no man ever does (typists, cashiers, etc.)

As regards conciliation procedure in case of industrial disputes see under Convention No. 98.

##### *Guadeloupe (First Report).*

For legislation see under Convention No. 100, *France.*

The principle of equal remuneration was established by a Wage Order issued by the Prefect. The provisions of this Order, which were identi-

cal with those of the Ministerial Orders in force in metropolitan France, applied to agriculture, which is the main source of employment in the territory.

Piece rates are the usual way of remunerating agricultural workers, the wage being calculated on the basis of a unit of work corresponding to eight hours of effective employment.

No collective agreements have been concluded since the above Wage Order was issued to apply the principle of equal remuneration. This principle is, in fact, observed in the wage agreements concluded under Act No. 50-205 of 11 February 1950.

The Inspectorate of Labour and Manpower has a staff of six.

#### *Martinique (First Report).*

For legislation see under Convention No. 100, France.

*Article 2 of the Convention.* The principle of equal remuneration is applied by collective agreement. Wage differentials are fixed without regard to the worker's sex. The principle is applied partly because the metropolitan legislation has been extended to the Overseas Territories and partly because very many women wage earners are the breadwinners of their families and many of them do arduous work with greater care and efficiency than men. No difficulties were experienced in applying the principle of equal remuneration when it was introduced, if allowance is made for a few individual reactions.

*Article 3.* Most jobs are remunerated at piece rates, the pay depending on the estimated importance of the job. This estimate is independent of the worker's sex.

*Article 4.* The Administration is often asked to attend joint wage discussions; in some cases, moreover, the contacts between management and labour are established at the suggestion of the Labour Inspectorate. In the event of disputes, the departmental Director of Labour may be asked to preside over the conciliation board set up in application of Act No. 50-205 of 11 February 1950.

Supervision over the application of the guaranteed minimum wage is exercised by the

Labour Inspectorate. In the case of collective agreements, no supervision can be exercised by the Inspectorate unless the agreements have been made binding by Ministerial Order. Even so, the Labour Inspectorate frequently assists the parties in reaching an amicable settlement of disputes arising out of an agreement.

The methods used in fixing piece or job rates offer an assurance that the principle of equal remuneration is effectively applied. If women frequently earn less than men, it is because they are employed on less important jobs or in less important trades. For the same jobs within a given trade, however, the remuneration is identical for men and women.

#### *Réunion (First Report).*

Labour Code.

Act No. 50-205 of 11 February 1950 (L.S. 1950—Fr. 6).

Decree of 13 June 1951.

Decrees of 18 January and 30 June 1955 to amend Decrees of 23 August 1950, 9 October 1950, 1 March 1951 and 19 October 1951.

The report refers to the information submitted on Convention No. 26. The wages of domestic staff, which are fixed by agreement between the parties, are still extremely low, mainly owing to the abundant supply of labour for such work.

#### *St. Pierre and Miquelon (First Report).*

Act No. 52-1322 of 15 December 1952, section 91 (L.S. 1952—Fr. 5).

In accordance with the Act, the principle of equal remuneration is fully respected.

#### *Togoland (First Report).*

Order No. 852-54/ITLS of 7 September 1954 to fix the measures for adapting the collective agreement and collective arrangement of 9 November 1946, to employees of the public sector of the economy who are not public servants and who are engaged for an unlimited period.

Employees of the public sector of the economy who are not public servants and who are engaged for an unlimited period are classified by category in the same way as in the private sector; they receive remuneration which is in principle that of the corresponding category of an employee or worker in the private sector.

## 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.

Applicable without modification: French Guiana, Guadeloupe, Martinique, Réunion.

No declaration: all other non-metropolitan territories.

*New Zealand.* Ratification: 24 July 1953.

Not applicable: Tokelau Islands.

Decision reserved: Cook Islands, Western Samoa.

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#### *New Zealand.*

#### *Cook Islands and Niue (First Report).*

See under Convention No. 52.

#### *Western Samoa (First Report).*

The major type of agriculture in the territory is village subsistence agriculture carried on by the villagers, working communally and not on a wage basis. Wage employment exists in private or government operated agricultural undertakings. As this work is performed on a casual daily basis, paid annual holidays are not normal.

## 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.*

There are no representative organisations of employers and workers in the *Comoro Islands.*

*Italy: Trust Territory of Somaliland.* Copies of the reports have been communicated to the representative local workers' organisations. In the absence of representative employers' organisations, copies of the reports have been communicated to the local Chamber of Commerce, to which belong the most important employers of the territory (agricultural, commercial and industrial undertakings).

*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, Gold Coast, Grenada, Leeward Islands, Malta,*

*Nigeria, Nyasaland and St. Vincent.* In *British Guiana* the possibility of communicating the reports to local organisations of employers and workers is being examined by the Government.

In the territories listed below copies of the reports have been communicated to the organisations indicated :

Labour Advisory Board : *British Honduras, Gibraltarr, Hong Kong, Federation of Malaya and North Borneo.*

Labour Office : *Bahamas.*

In the absence of representative employers' organisations copies of the reports have been communicated only to the workers' organisations in the *Seychelles.*

The reports for *Aden* state that there are at present in the territory seven representative workers' organisations and two employers' organisations.

The reports from the following territories state that at present there are no representative employers' and workers' organisations : *Basutoland, Bermuda, British Somaliland, Brunei, St. Helena, Sarawak and 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 reports state 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.

# **INTERNATIONAL LABOUR CONFERENCE**

**THIRTY-NINTH SESSION**  
**GENEVA, 1956**

**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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## 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 a Convention and a Recommendation relating to the right to organise and collective bargaining and a Convention and a Recommendation relating to equal remuneration. The governments of Members were requested to send in their reports before 1 July 1955. 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 30 November 1955.

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 39th Session, will include general remarks made by the Committee on these reports.

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## Right to Organise and Collective Bargaining Convention, 1949 (No. 98)<sup>1</sup>

### *Bulgaria.*

Constitution of the People's Republic of Bulgaria, dated 6 December 1947 (*L.S.* 1947—Bul. 3).<sup>2</sup>  
Labour Code of 13 November 1951 (*L.S.* 1951—Bul. 2).

The report refers to article 14 of the Constitution and to sections 2 to 5, 38 and 65 of the Labour Code.

According to the Constitution (section 14), "with a view to a general improvement of the standard of living of the workers, the State shall encourage their associations . . .".

According to the Labour Code (section 2), "the organising of wage and salary earners on an occupational basis shall be unrestricted. The trade unions in the People's Republic of Bulgaria are mass, public, non-party organisations of wage and salary earners, uniting them on a voluntary basis without distinction of race, nationality, sex, or religious conviction."

In accordance with these provisions Bulgarian workers form trade unions without restriction and the heads of undertakings do not employ any discrimination with regard to the workers owing to their trade union membership. Moreover the workers may be discharged only for reasons expressly stated in the Labour Code, which does not provide for dismissal owing to membership of a trade union. In point of fact 90 per cent. of Bulgarian workers are members of trade unions.

Some trade union officials are specially protected against any dismissal or improper transfer. Thus section 38 of the Labour Code states "wage and salary earners who are trade union officials, as listed in an order of the Central Council of the General Trade Union of Workers, shall not be dismissed or transferred without the consent of the central committee of the trade union concerned". This provision applies to members of the Central Council of Trade Unions, to members of the central, departmental and district trade union committees, to the chairmen and vice-chairmen of the trade union committees of the undertaking and to the trade union representatives on the conciliation committees.

<sup>1</sup> This Convention came into force on 18 July 1951. Twenty ratifications have been registered up to 30 November 1955. 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 prepared for the 39th 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.

According to section 65 of the Labour Code members of trade unions who attend trade union congresses, assemblies or conferences are entitled to special leave and are paid their wages or salary for the whole period of their attendance. Under section 4 of the Code trade unions have the right to supervise due fulfilment by undertakings, establishments and organisations of their obligation to give effect to the provisions concerning labour protection, are responsible for the administering of state social insurance, and have certain duties in connection with the settlement of labour disputes.

The trade unions play a large part in the drafting of labour legislation and the supervision of its enforcement. Conditions of employment are fixed on the basis of proposals from the trade unions, or after consultation with them. In practice no questions concerning labour and social insurance are settled without the direct participation of the trade unions.

The Government is concerned to see that the relations between the heads of undertakings and the trade unions shall be based on mutual confidence and animated by a spirit of co-operation. This position, which debars from the outset any undue interference by heads of undertakings with the activities of the trade unions designed to ensure for themselves the control of the unions, has made it unnecessary to enact any regulations to give effect to the principles laid down in the Convention.

The Government states in conclusion that the Convention should be revised on the basis of the Charter of Trade Union Rights adopted by the World Federation of Trade Unions.

### *Burma.*

Constitution of the Union of Burma, dated 24 September 1947.

Trade Unions Act of 25 March 1926 (*L.S.* 1926—Ind. 1) and Trade Unions (Amendment) Act of 25 September 1928 (*L.S.* 1928—Ind. 2).

Trade Union Regulations.

Section 17, clause (iii), of the Constitution guarantees the exercise, subject to law, public order and morality, of the right to form associations and unions. Any association or organisation whose object or activity is intended or likely to undermine the Constitution is forbidden.

Under section 31 of the Constitution "the State shall protect workers by legislation intended to secure to them the right of association".

The Director of Labour is entrusted with the supervision of the application of the Trade Unions Act and the Trade Union Regulations.

No modifications have been made in national legislation or practice with a view to giving effect to the provisions of the Convention. In practice labour has been accorded and is enjoying full freedom of association and its right to organise is already protected. For this reason the question of adopting measures to give effect to the provisions of the Convention does not arise.

### *Byelorussia.*

Constitution of the Soviet Socialist Republic of Byelorussia, dated 19 February 1937.  
Labour Code.

The right of the workers to form trade unions is fully guaranteed by the legislation of Byelorussia (in particular by section 101 of the Constitution).

Trade unions enjoy complete freedom. Indeed, under section 152 of the Labour Code, the trade unions set up in accordance with the principles fixed by the competent Trade Union Congresses are not obliged to register with the public authorities, but are registered by the inter-trade union body to which they belong.

The Soviet trade unions are established and reach their decisions without any restriction, in agreement with their statutes and with the resolutions adopted by their Congresses and by the other trade union organs. The Labour Code of Byelorussia (section 162) prohibits heads of undertakings from hindering the activities of trade union committees or of the trade union organs which elect them. Any hindrances to the lawful activities of the trade union organs are liable to penalties.

The Constitution guarantees to all citizens the right to work and to remuneration corresponding to the work done. All discrimination with regard to a worker, including discrimination as regards recruitment and conditions of employment, is liable to penalties.

The trade unions of Byelorussia are entitled to take an active part in the settlement of questions relating to the living and working conditions of wage earners. Under section 151 of the Labour Code the trade unions "are entitled to take action before the different bodies on behalf of the wage-earning workers, to conclude collective agreements and to represent wage earners on all questions concerning labour and living conditions".

A collective agreement is defined by section 15 of the Labour Code as "an agreement concluded between a trade union representing workers and salaried employees, on the one hand, and an employer, on the other hand, fixing conditions of work to be applied to workers and salaried employees". The provisions of the collective agreement make null and void any provisions of individual agreements which would be less favourable to the workers concerned.

The collective agreement defines the reciprocal obligations assumed by the wage earners and the management of the undertaking. It includes in particular provisions concerning remuneration and the fixing of standards of output; the carrying out of the production plan; labour protection; vocational training; the satisfaction of the workers' needs in regard to housing and social services; the strengthening

of labour discipline and the methods for supervising the enforcement of the agreement.

The appendices to the collective agreement include a technical and organisational plan for promoting labour protection, regulations relating to overtime pay and pay for night work, and also regulations for the settlement of labour disputes.

The draft collective agreement is drawn up by the trade union committee and the management of the undertaking and is discussed at great length at meetings of the workers, who may submit suggestions and amendments. Subsequently, the agreement is adopted by the general assembly of workers of the undertaking and is signed on their behalf by the chairman of the trade union committee. Any differences which may arise when the agreement is being concluded must be submitted to the central trade union committee and to the competent Ministry for their decision.

Collective agreements are adopted for one year, and after registration the agreement comes into force either from the date on which it is signed or from some other date provided in it.

The trade unions and their various committees (committee on wages, on labour protection, etc.) exercise constant supervision over the enforcement of the collective contract. Furthermore, a general check on the application of the agreement is made every three months and at the beginning of each year; the results of this check are then discussed at meetings of the workers. In addition, joint committees, called committees of assessment and disputes, are responsible for supervising the application of the provisions of the collective agreement.

The Administration assumes the responsibility for disciplinary action in the event of failure to carry out the obligations under the contract. This may also involve penalties for the representatives of the Administration in the event of intentional breaches of the agreement.

On the other hand, the trade union committee does not assume any statutory responsibility with regard to the carrying out of the collective agreement.

The Government states in conclusion that the law and practice in force afford the workers in Byelorussia much more extensive rights than those provided by Convention No. 98.

### *Canada.*

#### *Federal.*

Industrial Relations and Disputes Investigation Act of 30 June 1948, Revised Statutes of Canada, 1952, c. 152 (*L.S.* 1948—Can. 1).

#### *Alberta.*

Alberta Labour Act, Part V, 1947, c. 8, amended by 1948, c. 76; 1950, c. 34; 1954, c. 51.

#### *British Columbia.*

Labour Relations Act, 1954, c. 17.

#### *Manitoba.*

Manitoba Labour Relations Act, 1948, c. 27, amended by 1950, c. 31.

#### *New Brunswick.*

Labour Relations Act, R.S.N.B. 1952, c. 124, amended by 1953, c. 21.

#### *Newfoundland.*

Labour Relations Act, R.S.N. 1952, c. 258.

*Nova Scotia.*

Trade Union Act, 1947, c. 3, amended by 1948, c. 72 ; 1949, c. 66 ; 1951, c. 58 ; 1953, c. 40 (R.S.N.S. 1954, c. 295 in effect 21 February 1955).

*Ontario.*

Labour Relations Act, R.S.O. 1950, c. 194, amended by 1954, c. 42.

*Prince Edward Island.*

Trade Union Act, R.S.P.E.I. 1951, c. 164, amended by 1953, c. 3.

*Quebec.*

Labour Relations Act, 1944, c. 30, amended by 1945, c. 44 ; 1946, c. 37 ; 1950-51, cc. 34, 35, 36 ; 1952-53, c. 15 ; 1953-54, c. 10.

*Saskatchewan.*

Trade Union Act, R.S.S. 1953, c. 259, amended by 1954, c. 67.

The Government states that the provisions of the Convention are appropriate under its constitutional system for legislative action by the federal authorities and by each of the ten constituent provinces of Canada.

The subject matter of the Convention concerns civil rights which in Canada fall within provincial jurisdiction except in so far as the federal Government has legislative jurisdiction with respect to certain works, undertakings and businesses in virtue of sections 91 and 92 of the British North America Act.

The matters dealt with in the Convention are the subject of the above-mentioned federal and provincial legislation ; in addition, collective agreements provide for recognition, encouragement and enforcement of the principles embodied in the Convention.

*Article 1 of the Convention.* The federal Act provides that employees have the right to join and participate in trade union activities. An employer cannot discriminate against an employee because he is a member of a trade union or restrain him from exercising his trade union right. Employers shall not interfere with the formation of a trade union, though the consent of an employer is necessary for activities during working hours.

The Acts of all the provinces contain identical provisions.

The Criminal Code of Canada makes it an offence for an employer to dismiss or threaten to dismiss a workman for the sole reason that he is a member of a lawful trade union.

*Article 2.* Employers have the right to join employers' organisations and participate in their activities. The rights of workers in this respect are described above. Employers or employers' organisations cannot make financial contributions with the object of supporting or interfering with trade union activities. An employer, however, may permit the use of his premises for trade union activities during working hours.

The definition of a trade union in the federal Act does not include an employer-dominated organisation.

The provincial Acts contain provisions identical with those summarised above.

*Article 3.* Complaints concerning the violation of the right to organise and to bargain collectively may be made to the Minister of Labour. They may be submitted to the employer for reply and may be investigated by a

Conciliation Officer or Commission. The Act provides for both general and specific monetary penalties if prosecution in the Courts results in conviction. Moreover, the employer may be ordered to pay compensation to the employee if the latter is unlawfully discharged, suspended or transferred. He may have to reinstate him in his employment.

Disputes involving the violation or misinterpretation of the collective agreement must be submitted to arbitration.

The Canada Labour Relations Board may take into account, in certifying or decertifying trade unions as bargaining agents for units of employees, allegations that an organisation is dominated or controlled by the employers.

Generally, the provisions of the provincial Acts are either identical with or very similar to those of the federal legislation and are compatible with the principles embodied in the Convention. The provincial machinery is described in some detail in the report.

*Article 4.* The federal Act provides that certified trade unions or trade unions which though uncertified are parties to collective agreements may give notice of desire to bargain collectively to the employer concerned, or be given such notice by the employer. Thereupon, such direct negotiations take place. Where bargaining does not commence in time or there is a failure to make an agreement either party may apply to the Minister of Labour for the assistance of a Conciliation Officer or Board. Refusal to bargain may be referred by the Minister to the Canada Labour Relations Board for investigation. The Board takes all necessary action. This procedure, though it does not directly provide for voluntary negotiation, has the effect of promoting voluntary negotiation with respect to subsequent agreements.

The laws and practice of provinces are similar to those of the federal Act, with slight variations, but in all provinces failure or refusal to bargain collectively is an offence.

*Article 5.* The federal Act does not apply to Canada's armed forces or to the Royal Canadian Mounted Police.

In Ontario provincial police forces are excluded from the provincial Act. In Quebec they are included.

In Newfoundland the police force is not within the scope of the Act.

Law and practice varies with respect to municipal police forces. They are within the scope of the law in British Columbia, Manitoba, New Brunswick, Quebec and Saskatchewan. Compulsory arbitration is provided for in Saskatchewan and Quebec. In Alberta, Nova Scotia and Ontario they do not come under the provincial Acts, but compulsory arbitration of disputes is provided for in Alberta and Ontario.

The federal Act is supervised by the Minister of Labour for Canada and by the Canada Labour Relations Board. The same general divisions of authority between Ministers of Labour and Labour Relations Boards (or similar Boards differently styled) in each province exist in all provincial Acts (except in Prince Edward Island, where the Provincial Secretary has full responsibility). The Labour Relations Boards are composed of representatives of employers' and

workers' associations. Their main function is the certification of trade unions as bargaining agents for units of employees.

No significant modifications have been made in Canadian legislation or practice, as the provisions of the federal and provincial Acts are very close to those of the Convention.

Ratification is not practicable because various provincial authorities have legislative competence over the subject matter of the Convention.

#### *Ceylon.*

Trade Unions Ordinance, No. 14 of 1935.  
Trade Unions (Amendment) Act, No. 15 of 1948.  
Industrial Disputes Act, No. 43 of 1950 (*L.S.* 1950—Cey. 1).  
Shop and Office Employees (Regulation of Employment and Remuneration) Act, No. 19 of 1954 (*L.S.* 1954—Cey. 1).

Under the Trade Unions Ordinance the principles of freedom of association and the right to organise into trade unions have been accepted. The Ordinance gives employers and workers the right to establish and join organisations of their own choosing, except that freedom of association is limited for public servants.

Organisations of industrial workers and employers have the right to draw up their constitution and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes; there is no interference with this right or with their lawful activities.

Under the Industrial Disputes Act an employer or group of employers may enter into agreements with one or more unions.

Workers' and employers' organisations are being encouraged to negotiate and enter into collective agreements. Wages and other working conditions in the harbour and dock at the Port of Colombo have been settled under these provisions.

There is also a provision in the Shop and Office Employees (Regulation of Employment and Remuneration) Act whereby wage rates can be fixed by consent between employer and worker with the help of the Department of Labour.

The Commissioner of Labour, who is also the Registrar of Trade Unions, is entrusted with the administration of the Trade Unions Ordinance.

No modifications have been made in the national law or practice with a view to giving effect to the provisions of the Convention, and it is not proposed to make any in the future. In the present stage of development of trade unionism in Ceylon it is not possible to ratify the Convention.

#### *Chile.*

Labour Code of 13 May 1931 (*L.S.* 1931—Chil. 1), as amended.  
Decree No. 1030 of 1950 to approve Regulations governing industrial organisations.

*Article 1 of the Convention.* The exercise of freedom of association is covered by sections 365 and 383 of the Labour Code and also by the Regulations governing industrial organisations. There is no express provision instituting penalties for acts of anti-union discrimination against workers in respect of their employment, but the

Constitution and the laws of Chile guarantee the freedom of association, and appeal against any act of discrimination may be lodged with the competent judicial authorities (the special labour courts).

*Article 2.* Workers' organisations are wholly independent of the employers in their establishment, functioning and administration. Factory workers' unions are established in the presence of public officials, usually the local labour inspectors (sections 385 and 411 of the Labour Code and articles 11 and 12 of the 1950 Regulations). Agricultural workers' union are set up in the same way (sections 433 ff. of the Labour Code, and articles 1 to 6 of Regulations dated 26 February 1948).

Employers' associations may be set up in accordance with the Labour Code or in accordance with Title XXXIII of Book I of the Civil Code, if they are not intended to be profit-making.

*Article 3.* Respect for the right to organise is guaranteed by the administrative and judicial authorities. One of the duties of the General Directorate of Labour is to enforce respect of this right (sections 644 ff. of the Labour Code), and it has departments dealing with occupational organisations and collective disputes. The Occupational Organisations Department has a section responsible for the development and supervision of occupational organisations; this section watches over their activities, advises them on the investment of their funds and keeps the national register of trade unions. It also investigates problems arising in connection with the *de facto* establishment of unlawful industrial associations.

The responsible judicial authorities are the courts and the labour courts, which are competent to consider all disputes arising out of the application of the Labour Code (section 497).

*Article 4.* The competent authority is the above-mentioned section of the Occupational Organisations Department. In connection with the utilisation of machinery for voluntary negotiation, the Labour Code provides for conciliation and arbitration boards to be set up for industrial associations of all kinds.

*Article 5.* The armed forces and the police (known as *Carabineros de Chile*) have no bargaining rights (article 22 of the Constitution). For them obedience is regarded as an essential characteristic, and no unions of any kind are consequently recognised. In accordance with the regulations to which they are subject, however, the right of individual petition may be exercised.

*Article 6.* Public servants are subject to administrative regulations (Order No. 256 of 29 July 1953) and, in so far as it applies, to Act No. 8987 concerning the defence of democracy.

National legislation has not been amended to bring it into line with the Convention. On 30 March 1951 the General Directorate of Labour asked the Ministry of Labour to have the Convention placed before the National Congress for approval. In a statement issued on 29 November 1954 the Government requested Parliament to ratify the Convention.

*Colombia.*

Labour Code (Decree No. 2663 of 5 August 1950 (*L.S.* 1950—Col. 3)), as amended by Decree No. 616 of 26 February 1954 (*L.S.* 1954—Col. 1).

The State guarantees the right of association and the right to strike in the manner provided for in the national Constitution and by statute (article 12 of the Labour Code).

Article 309 of the Penal Code states that any person who materially hampers or disturbs any lawful meeting or association, or the exercise of rights accorded under the national legislation on trade unions and strikes, or who resorts to reprisals in connection with a lawful strike, shall be liable to a term of imprisonment of not less than two months and not more than one year, and to a fine of from 50 to 2,000 pesos. If any of the above offences are committed by a public servant he loses his post. Under section 1 of Extraordinary Decree No. 2184 the above penalties were doubled.

The expression "trade union privileges" (article 405 of the Labour Code—the former article 422, amended), means the guarantee afforded to certain employees against being dismissed, being placed in a less favourable position as regards conditions of employment or being transferred to other establishments of the same undertaking, or to a different municipality until just cause has been proved to the satisfaction of the Ministry of Labour.

This immunity extends to the founders of an industrial association, the members who join it prior to the grant of legal personality, the five titular members and the five substitute members of the central committee of management of the industrial association and the members of any subcommittees of management or sectional committees (articles 405 and 406, formerly 422 and 423).

Any employer wishing to dismiss or transfer any employee enjoying trade union immunity or to give him less favourable conditions of employment must indicate the reason and produce detailed evidence that the reason is substantiated. The procedure to be followed in such cases is laid down in sections 4 to 9 of Decree No. 616, viz: the labour inspector arranges for a copy of the employer's application to be sent to the employee or employees concerned and arranges to hear the parties in an endeavour to reach a settlement. If no settlement is reached the evidence adduced by the parties is examined and a decision is rendered at the end of the hearing. Appeal against the decision of the labour inspector may be lodged within 48 hours with the head of the National Trade Union Supervisory Committee, who may order further evidence to be produced before taking a final decision. Final appeal lies to the Minister, who in his examination of the case merely checks to see that the legal requirements have been met. Any infringement of this procedure renders the action null and void and the offender may be dismissed from his employment if the Minister of Labour so decides.

The right to form unions extends to all public employees, with the exception of members of the armed forces and the police (section 414, formerly 431); unions of public employees, however, may only concern themselves with the activities for which the law provides (study of the characteristics of the occupation concerned, advice

to its members, representations in courts of law, submission of petitions to the administrative authorities, etc.).

The higher administrative authorities are required to receive the representatives of a union and seek a solution to their problems (section 415, formerly 432). Unions of public employees are not entitled to present statements of demands or to conclude collective agreements. Unions of other persons employed in official undertakings have the same powers as other workers' unions, but they are not allowed to stage a strike (section 416, formerly 433).

*Denmark.*

Act No. 536 of 4 October 1919 (*L.S.* 1929—Den. 2 (B)) respecting the Permanent Arbitration Court, as amended by Act No. 135 of 2 May 1934 (*L.S.* 1934—Den. 1 (B)) and Act No. 88 of 15 March 1939.

Act No. 5 of 18 January 1934 (*L.S.* 1934—Den. 1 (A)) respecting intervention in labour disputes, as amended by Act No. 96 of 20 March 1940 and Act No. 602 of 21 December 1945.

In addition to the Acts mentioned above, the following agreements concluded between the central organisations of Danish employers and workers are applied in the same way as the legislative provisions: the "September agreement", concluded on 5 September 1899 between the Danish Employers' Confederation and the Confederation of Danish Trade Unions; and the "rules regarding the negotiation of agreements", dated 21 September 1951.

A pamphlet entitled "Labour Relations in Denmark", which reproduces the text of the legislative provisions and basic agreements mentioned above, was annexed to the Government's report.

The Permanent Arbitration Court has jurisdiction in disputes arising from an alleged breach of a collective agreement, but it is not the duty of the state authorities to supervise enforcement of collective agreements.

No changes have been made in the national law or practice, since none appeared necessary in order to give effect to the provisions of the Convention.

No inherent difficulty such as might hinder or delay the ratification of the Convention has been met with in the Convention or in the national law or practice.

During its session of 1954-55 the Danish Parliament approved the ratification of the Convention.<sup>1</sup>

*Federal Republic of Germany.*

Basic Law of 23 May 1949 for the Federal Republic of Germany (*L.S.* 1949—Ger. F.R. 1).

Labour Courts Act of 3 September 1953 (*L.S.* 1953—Ger. F.R. 2).

The Basic Law guarantees to every person freedom of association (section 9, paragraph (3), first sentence). Every agreement to limit or impede this right shall be null and void (section 9, paragraph (3), second sentence). Trade unions which are not fully independent in relation to employers are not entitled to negotiate or conclude collective agreements. It is for the courts to determine whether the rights guaranteed by section 9, paragraph (3), of the Basic Law have been violated.

Under section 2, paragraph (1), subparagraph (v), of the Labour Courts Act it is for

<sup>1</sup> The ratification was registered on 15 August 1955.

those courts to decide whether an organisation is or is not entitled to negotiate and conclude collective agreements.

The Bill for the ratification of Convention No. 98 was submitted to the Bundestag for its first reading on 25 May 1955 and subsequently sent to the Commission of Labour for examination. The Office will be informed of any development with regard to this Bill.

#### *Greece.*

Constitution of 1952 (article 11).

Civil Code (sections 281 and 680).

Act No. 281 of 1914 respecting associations.

Act No. 2151 of 21 March-3 April 1920 respecting trade unions (L.S. 1920—Gre. 1).

Acts Nos. 148 and 294 of 1945.

Emergency Law No. 1803 of 26 April 1951 respecting the protection of trade union leaders (L.S. 1951—Gre. 2).

Act No. 3239 of 20 May 1955 respecting the settlement of collective labour disputes, to establish a National Advisory Council on Social Policy, and to amend and supplement certain labour laws.

*Article 1 of the Convention.* The right to organise is explicitly sanctioned by section 23 of Act No. 281 respecting associations, which provides in particular that employers may not interfere with the workers' right to organise, either by dismissal or by threat of dismissal, or force them by the same means to join specified occupational associations. In addition, Law No. 1803 respecting the protection of trade union leaders prohibits their dismissal by reason of their trade union functions.

*Article 2.* There are no special legislative provisions on this question, but any interference in the affairs of an association by persons with opposing interests would be contrary to section 281 of the Civil Code and an infringement of the law. Furthermore, section 19 of Act No. 281 prohibits workers and employers from membership of the same association. In addition Acts Nos. 148 and 294 of 1945 provide that elections shall be supervised by committees presided over by judges in order that members may give full and complete expression to their opinions.

*Article 3.* There is no special machinery for ensuring respect for the right to organise. However, it may be considered that respect for the right is guaranteed by the fact that the founding and dissolution of an association are subject to judicial decision.

*Article 4.* The report states that the provisions of this Article are fully applied in Greece. In point of fact section 680 of the Civil Code provides that normally labour relations shall be regulated by free negotiation between employers and workers and by the conclusion of collective agreements. The scope and statutory duration of a collective agreement are fixed by Act No. 3239 of 20 May 1955. Only in the case of a breakdown in the negotiations may the State intervene to impose arbitration.

*Article 5.* The Constitution (section 11) sanctions the right of association for public servants and provides that this right may be restricted in certain respects by legislation. In practice special legislation establishes the right

of public servants to associate and to form federations and confederations.

The report states that the question of ratifying Convention No. 98 is at present being examined by the competent authorities.

#### *Hungary.*

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

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

Decree No. 53/1953 of the Council of Ministers issuing regulations to give effect to the Labour Code.

The report states that the Constitution of the Hungarian People's Republic ensures to a great extent the workers' right to organise.

The right to organise, in so far as employment relations are concerned, is determined by the Labour Code, which provides in particular that the National Trade Unions Council and the trade unions are entitled to concern themselves more particularly with questions concerning the living and working conditions of the workers, the protection of the workers' rights, etc.

The organs of the State regulate these questions in conjunction with the National Trade Unions Council. The trade unions are entitled to ask the Ministers and the organs dependent on the Council of Ministers for information in regard to the enforcement of the legislation; in the interests of the control of that enforcement they may carry out investigations at the workplace. The National Trade Unions Council and the trade unions may bring to the attention of the responsible organs any question of "failure or negligence" in relation to the enforcement of the provisions concerning the workers' living conditions. The Labour Code provides that in the event of failure to apply the provisions concerning labour protection the trade unions may take the measures prescribed by law; the labour protection inspectors of the trade unions are empowered to impose fines.

The Labour Code provides that the labour contracts of members and substitute members of the regional and cantonal trade union committees and of the works committees and workshop committees may not be terminated, i.e. that the persons in question may not be transferred to another post without the consent of the higher trade union authorities. The Code also provides that no worker may suffer any prejudice owing to his trade union activities.

The report quotes those provisions of the Labour Code, referring to collective agreements, which enable the workers to participate directly in the determination of employment conditions.

A collective agreement is concluded, on behalf of the workers of the undertaking, between the director of the undertaking and the works committee. The principles on which a collective agreement is to be based are laid down by the competent Minister in agreement with the trade union. The draft agreement is thoroughly discussed by the workers, who are entitled to suggest amendments. The agreement does not take effect until it has received the approval of the competent Minister and the trade union. It must be made known to the workers and displayed in the workplaces.

The competent Minister and the trade union supervise the operation of the collective agreement.



The Government adds that the legislative provisions give full effect to the provisions of Convention No. 98. The competent authorities are studying the question of ratifying the Convention.

### *Indonesia.*

Provisional Constitution of the Republic of Indonesia dated 15 August 1955.

Law No. 21 of 12 June 1954 respecting collective agreements.

Government Order No. 49 of 1954 respecting the conclusion of collective agreements.

The right to organise is recognised by the Provisional Constitution of Indonesia: every person is entitled to form a trade union or to join one in order to protect his interests. The Act of 1954 respecting collective agreements declares null any clause inserted in a collective agreement which might be designed to make the employment of a worker dependent on his membership or non-membership of a trade union. Further, any breach of the agreement may be punishable by a fine under an action by the injured party.

The collective agreement is binding only on persons who are members of the trade union, but it continues to be binding on them after they leave the union until the conclusion of a new agreement. Finally, the Ministry of Labour may, after consulting the parties concerned, extend the agreement to cover all or some of the workers or employers not bound by the agreement.

To the extent, therefore, that the workers are covered by a collective agreement, they are protected against discrimination owing to their trade union membership or their participation in trade union activities. To the same extent, any acts of interference by employers in workers' unions and vice versa are excluded. An example of this is provided by the agreement concluded for tobacco undertakings. That agreement provides, *inter alia*, that the trade union which is a party to the agreement shall not interfere with any actions of the employer which are not contrary to the interests of the workers, and that the employer shall not interfere with the actions of the trade union in question, nor with "the working of the organisation", in so far as they are not illegal. The employer shall make premises available to the Union of Cigarette Workers of Indonesia, provided that this does not hinder the work of the undertaking.

The Commission on Labour-Management Relations, under the control of the Ministry of Labour, supervises the application of the provisions of the Act and the decree of 1954.

### *Israel.*

There are, so far, no legislative provisions in Israel in regard to matters dealt with in the Convention. Trade unions and employers' organisations operate under the General Law of Associations, which permits the establishment of any society without prior authorisation by the Government, provided that the objects of the society are not contrary to the law.

More than 80 per cent. of the workers are organised. In cases of discrimination direct action is taken by the trade unions concerned, which are powerful enough to protect the work-

ers. In cases of need the Labour Relations Department intervenes to settle disputes.

The report states that in practice the problems dealt with in the Convention are solved satisfactorily without legislative intervention. However, a general Bill concerning trade unions will be drafted at a later stage.

### *Italy.*

Constitution of the Italian Republic, dated 22 December 1947 (L.S. 1947—It. 5), sections 18, 39 and 40. Civil Code, sections 12 et seq., 36, and 2067 to 2081.

Legislative Decree of the Regent, No. 205 of 24 April 1945, to prohibit civil and military security staff from joining trade unions.

The Constitution of the Italian Republic affirms that "the organisation of trade unions shall be unrestricted" (section 39). The principle of the right to organise is a particular aspect of the principle of freedom of association which figures in section 18 of the Constitution, which states that "citizens have the right to associate freely without special authorisation in order to pursue objectives which are not prohibited for individuals by criminal law". The lawfulness of the objectives of trade unions is thus recognised.

The right to organise is expressed in a number of ways.

First, one or more trade unions can organise themselves freely for any specified category of workers. This is a question of private initiative and any propaganda in this respect may be considered to be lawful; on the other hand, the principles included in the Constitution are opposed to the establishment of trade unions by the authorities and to the prohibition for a specified category of workers to constitute trade unions, except for certain categories of workers whose special duties vis-à-vis state administration are incompatible with trade union membership (for example, the armed forces).

Secondly, the workers in a specified class are free to choose between different existing trade unions or not to join any union.

Once constituted and recognised, the trade unions are protected from interference by the State in their internal administration and external activities. They are free to settle the conditions required for membership, the procedure for the election of their officers, the name of the union, its headquarters and its territorial and occupational scope. They may establish local, national and international unions, federations and confederations.

The right to organise thus means that any discrimination as regards employment based on membership of a specified organisation and any victimisation of trade union officials or members of committees within an organisation are to be considered illegal. The same applies to measures which would tend towards the establishment of workers' organisations under the domination of an employer or an employers' organisation.

The authority responsible for supervising the enforcement of the measures which concern the questions covered by this Convention is the Ministry of Labour and Social Security, which carries out this duty by means of labour inspectors and labour offices.

The employers' and workers' organisations are closely associated with the work of the Ministry of Labour, in particular by means of committees within the organisations.

Under the terms of the collective agreement on individual dismissals, which was concluded between the employers' and workers' federations on 18 October 1950, an employer may not dismiss a worker as he pleases, since the worker has the right of appeal to a conciliation committee and subsequently to an arbitration committee, which pronounces on the validity of the reasons for his dismissal.

The national legislation has not so far been supplemented or amended in order to put into effect the provisions of the Convention, but account has been taken of these provisions in the drafting of a Bill respecting the regulation of labour-management relations.

Ratification of Convention No. 98 has purposely been made dependent on the adoption of this legislation, in order that a full and complete application of the Convention may precede the deposit of the instruments of ratification.

#### *Luxembourg.*

Grand-Ducal Order of 23 January 1936 to set up a National Labour Council for conciliation in collective disputes (*L.S. 1936—Lux. 1*).

Grand-Ducal Order of 6 October 1945 to establish the powers and the operation of a National Conciliation Office.

Bill No. 473 of 29 May 1953.

According to the Government's report the application of the right to organise in Luxembourg is in agreement with the provisions of Articles 1 and 2 of Convention No. 98, and it has not been necessary, up to now, to contemplate establishing special machinery such as provided by Article 3. Furthermore, the practice which was introduced in Luxembourg before the Second World War as a result of the establishment of the National Labour Council by the Grand-Ducal Order of 23 January 1936, is in accordance with Article 4 of the Convention.

After the war, considerable progress was made as a result of the Grand-Ducal Order of 6 October 1945 respecting the National Conciliation Office. The report states that that Order goes further than Article 4 of the Convention by reason of its provisions concerning the compulsory general application of collective agreements and of the fact that it establishes a complete system of conciliation and arbitration.

Convention No. 98 is one of those which were submitted to the legislature for approval by Bill No. 473 of 29 May 1953. The text of the Convention was communicated to the Council of State for its prior opinion on 29 April 1955.

#### *Netherlands.*

The report states there are no statutory, administrative or other regulations on this question in the Netherlands, although the right to organise and bargain collectively has been recognised in practice for many years.

There has been no change in the existing practice.

Although the Government agrees with the purport of the Convention, it has not ratified it, since it considers that this would necessitate the enactment of legislation to give effective protection to workers against any attacks on the rights mentioned in the Convention (dismissal, refusal to engage, or any other prejudice incurred by the worker owing to his membership of a specified association), and this has not

seemed necessary, since the trade unions are sufficiently powerful to put an end to any such practices. Moreover, the Government states that it is doubtful whether the injured party could provide the necessary proof when a statutory provision of this kind is deemed to have been infringed, for it is always possible to provide formal justification for dismissal even when the true reason is membership of a specified trade union. Regulation by law would thus be of little use. Practical reasons have also been invoked for not introducing into the national legislation measures such as are contemplated in the Convention.

Owing to these objections the Government, although it regretted having to adopt for the time being a negative attitude, in 1951, in a Note addressed to Parliament, advised against ratification of the Convention, a point of view with which Parliament agreed. The question of ratification is, however, being once more studied at the present moment, and the result of the current consultations will be communicated to the International Labour Office at the appropriate time.

#### *New Zealand.*

Incorporated Societies Act, 1908.

Trade Unions Act, 1908.

Labour Disputes Investigation Act, 1913.

Industrial Conciliation and Arbitration Act, 1954.

The large majority of workers in New Zealand are members of trade unions registered under the Industrial Conciliation and Arbitration Act, the provisions of which apply not only to workers engaged in industrial occupations in the general sense of the term, but also to those engaged in agricultural and maritime occupations.

Under section 174 of the Act it is compulsory for all workers subject to an award or industrial agreement to be members of a union bound by such award or agreement. Every award provides explicitly, and every industrial agreement provides either implicitly or explicitly, that an employer may not employ a person who is not a member of a union bound by an award or agreement. Further, any person who, in virtue of an award or an industrial agreement, is obliged to become a member of a trade union, is entitled to join it on application made in accordance with its rules, and is bound to join if his employer or a representative of the trade union so requests; but where the membership of a union may not exceed a maximum fixed by an arbitral award or a judicial decision a person who is not able to become a member of the trade union because the maximum has already been reached may be employed when there is no member of the union available who is ready and willing to undertake the work.

Section 173 of the Act entitles trade union representatives to enter workplaces and interview the workers.

Section 167 provides protection for the workers against victimisation by employers because of their union membership or activities. Any such victimisation is punishable by a fine to be recovered at the suit of an Inspector of Awards or of the union to which the worker belonged at the time when the acts giving rise to the action for the recovery of the penalty were committed.

In respect of unions registered under the Act of 1954, compliance with the law makes impossible any interference by employers in the establishing, functioning or administration of such unions. In fact, the rules of every organisation, either registered or requesting registration as a trade union, must include a definition of its aims, provide for the election or appointment of a committee of management and set out its powers and duties and the system of internal control and working of the organisation.

Considerable stimulus was given to trade union development by certain sections of the Industrial Conciliation and Arbitration Amendment Act, 1936 (now incorporated in the Act of 1954), which provides facilities for the establishment of national and regional unions. Section 58 of the Act of 1954 prohibits the registration of a new trade union when one already exists in respect of the same industry and industrial district, except with the concurrence of the Minister of Labour.

The requirements of Article 3 of the Convention are substantially satisfied in practice by the compulsory unionism provisions of the Act of 1954 and, in addition, the Trade Unions Act of 1908 provides that trade unions may not be considered as criminal or unlawful organisations by reason of their aims or for the sole reason that they are in restraint of trade. These provisions, and the growth of democratic trade unions in almost all industries, have made the right to organise a fundamental part of the country's social structure.

The conciliation provisions of the Act of 1954 establish suitable and adequate means for encouraging the parties to enter into collective agreements. The Act provides that no industrial dispute shall be referred to the Court until it has first been referred to a Council of Conciliation. The Council has very wide powers of investigation and has the duty of making suggestions and taking action with a view to inducing the parties to come to an amicable settlement. A settlement so arrived at has the force of a collective agreement.

Additional machinery is provided for in section 4 of the Labour Disputes Investigation Act of 1913, which states that notice of a dispute and of the workers' claims may be sent to the Minister by the workers' union; the Minister shall refer the matter to a Conciliation Commissioner and, if no settlement has been arrived at in the meantime, to a Labour Dispute Committee.

The terms of Convention No. 98 are not extended to the armed forces. As regards members of the police, the Police Force Act of 1947 provides that consideration shall be given to complaints, but that combinations shall be severely dealt with as being subversive of discipline; this regulation, however, does not prohibit members of the police force from joining a police association. A Police Force Association is registered under the Act of 1908.

Although government officials are not covered by the Convention, the report mentions that there are several organisations representing the interests of public servants in different branches of government service.

The Ministry of Labour supervises the enforcement of the Act of 1954 and the Ministry of Justice the enforcement of the Incorporated Societies Act of 1908.

The report states that the system of compulsory unionism introduced in 1936 in response to the wishes expressed by the great majority of the trade unions still has their full support. This system restricts the ability of organised groups of workers to secure registration as industrial unions if there is already a union registered in the same industry and in the same district. It also restricts the ability of the individual worker to choose what union he will join and places some restriction on the rules and objectives of registered unions. This system is considered to provide greater protection to workers' unions than the Convention, with the provisions of which it is not broadly compatible. Consequently ratification of the Convention is not contemplated for the time being.

### *Switzerland.*

Federal Constitution of the Swiss Confederation, dated 29 May 1874, section 56.

Civil Code of 10 December 1907, sections 11, 27 and 28.

Act of 30 June 1927 respecting the statute for public servants.

Ordinance of 24 December 1950 respecting the labour relations of workers in the general Administration of the Confederation, sections 16 and 24.

Ordinance of 26 September 1952 respecting the labour relations of salaried employees in the general Administration of the Confederation.

Many collective agreements contain a clause relating to freedom of association.

*Article 1 of the Convention.* Section 56 of the federal Constitution provides that: "Citizens have the right to form associations, provided that there is nothing unlawful or dangerous to the State in the objects and methods of such associations." The Confederation and several cantons prohibit their salaried employees and workers from being members of an association which provides for or makes use of a strike of public servants, or which in any other way pursues objects or employs methods which are unlawful or dangerous to the State.

The right to organise is a civil right, and as such is guaranteed not only to Swiss citizens but also to aliens working in Switzerland, under section 11 of the Swiss Civil Code, which provides that "every individual shall enjoy civil rights".

Any promise by which a worker undertakes not to join a trade union, or to resign from his trade union, would be null, or at least capable of being annulled, since by such action he denies himself the exercise of his freedom of action to a degree which is contrary to the customs of the country. Such an undertaking would be contrary to section 27 of the Swiss Civil Code, which provides that "no one may, even partially, forgo the enjoyment and exercise of civil rights".

Subject to the observance of the period of notice, when necessary, the termination of a labour contract is a juridical act, which is not subject by law to any conditions. The parties need not, therefore, state any reasons for the termination. However, many collective contracts forbid an employer to dismiss a worker owing to his membership of a trade union, or to his trade union activities outside working hours. Since the labour contract falls in the category of synallagmatic agreements, the employer

cannot reduce its conditions on his own authority.

*Article 2.* The employers' and workers' organisations are associations or co-operative societies with legal personality, and, as such, they can acquire all normal civil rights and assume all normal human obligations, and, if a third party attacks their personal interests unlawfully, they can appeal to the courts.

Every organisation thus has an effective juridical weapon of defence against possible interference by other organisations. The legislation does not contain any provision calculated to provoke or encourage interference.

*Article 3.* The ordinary judges are the authorities responsible for ensuring respect for the right to organise, and intervene at the request of the injured party. The latter may take his case to the federal Court, either by an appeal submitted under public law, when it is a question of applying section 56 of the Constitution, or by an appeal for revision, when the dispute concerns individual rights.

*Article 4.* Swiss legislation favours the conclusion of collective agreements, and at the end of 1954 there were 1,481 of these agreements. The Government refers for further details to its report on the Collective Agreements Recommendation, 1951 (No. 91).

*Article 5.* The Swiss army is composed of militia troops, whose periods of service are relatively short and far apart, and there would therefore be no point in their having the right to organise and bargain collectively. The professional officers and non-commissioned officers are public servants, subject to their appropriate statute (see above under Article 1). The same holds good for the frontier guards. The regulation for the police force is fixed by the cantons or communes concerned.

With regard to the authorities entrusted with supervision of the application of the legislation, the Government refers to its observations with regard to Article 3 (supervision by ordinary judges).

No change has been made in national law and practice since the adoption of the Convention.

Although Swiss legislation differs from the Convention on several points, which prevents ratification, it is satisfactory both as regards its principle and its enforcement. Switzerland does not contemplate any amendment of its legislation to bring it into complete agreement with the Convention, for the reasons given in a report of 25 September 1950 submitted to the federal Chambers by the federal Council.<sup>1</sup>

All the questions with which the Convention deals come within the scope of federal legislation.

<sup>1</sup> For a summary of that report see I.L.O.: *Summary of Information concerning the Submission to the Competent Authorities of the Conventions and Recommendations Adopted by the International Labour Conference at its 32nd Session (Geneva, 1949) (Article 19 of the Constitution)*, Report III (III), International Labour Conference, 34th Session, Geneva, 1951 (Geneva 1951), p. 11. The Government stated that a decision on Convention No. 98 had been postponed until a decision was taken on the closely related Convention No. 87, which was being examined at the time. It added that ratification of Convention No. 98 would necessitate some amendments to the national legislation, in particular as regards the provisions concerning employment contracts.

## Ukraine.

Constitution of the Ukrainian Soviet Socialist Republic. Labour Code.

Decree of the Council of Ministers of the Ukraine, No. 279 of 15 March 1947.

Regulations of 6 December 1952 of the All-Union Central Council of Trade Unions respecting the conclusion of collective agreements.

Penal Code of the Ukraine.

Citizens are guaranteed freedom of speech, freedom of assembly and also the right to associate in public organisations including occupational organisations (articles 105 and 106 of the Constitution).

Application of the principle of the right to organise and to bargain collectively for all workers and managers of undertakings is guaranteed by law; all the workers of the Republic enjoy this right, as may be seen from the very extensive network of occupational organisations, which include in their ranks almost all employed persons.

The occupational organisations have the right to appear before various organs as a party representing the workers and also to conclude collective agreements on behalf of the workers and to be the representatives of the workers in all questions of conditions of work and life (section 151 of the Labour Code).

The national legislation excludes any kind of discriminatory action on the part of managers of undertakings designed to infringe trade union freedom. Any act on the part of the manager of an undertaking calculated to impose on a worker the condition that he shall not join a union or shall relinquish trade union membership and any action calculated to cause the dismissal of or otherwise prejudice a worker by reason of trade union membership or because of participation in union activities outside working hours or (with the consent of the employer) within working hours is considered *ultra vires* and is punishable by law.

Any action designed to promote the establishment of workers' organisations under the domination of managements, or to support workers' organisations by financial or other means with the object of placing such organisations under the control of managements, is entirely impossible.

The legislation guarantees to workers not only the right of association in occupational organisations but also the right, if elected, to take part in the governing body, assembly or conference of a trade union or in the work of a local organisation. Wage earners and salaried employees, who are elected to act as representatives at congresses, conferences and meetings of delegates convened by trade union organs, retain their average earnings for the period during which they so act, to the extent that this period falls within working time (section 77 of the Labour Code).

Members of trade union works committees who are excused from productive work in order to perform trade union functions resume their jobs in the respective undertakings when they cease to be trade union delegates (section 160 of the Labour Code).

Members of trade union works committees and workers' members of assessment and disputes committees may not be dismissed by the managements of undertakings without the consent of the appropriate trade union (sec-

tion 160 of the Labour Code). This provision applies further to members of trade union works committees and trade union organisers (in small undertakings and institutions where no works committees are elected) who are not excused from regular work ; such persons also may be dismissed only with the consent of the appropriate trade union.

The occupational organisations of all undertakings making use of their right to bargain collectively with the managements take a direct part in the settlement of labour disputes, which are examined in the undertakings and institutions themselves by the local assessment and disputes committees composed of equal numbers of representatives of the management and of the works committee of the trade union.

The collective agreement is an important instrument of industrial and social policy : it enables the labour force of the state socialist undertakings to be mobilised for the fulfilment or over-fulfilment of production plans, the development of initiative on the workers' part, and the application of proposals for rationalisation made by wage earners and salaried employees ; and it enables the wage earners and salaried employees to be protected in their employment and their material and cultural needs to be better met (section 15 of the Labour Code ; decree of the Council of Ministers of 15 March 1947).

Collective agreements are concluded as a rule annually, at the beginning of the year.

Collective agreements are set out in writing and are registered by the Republican trade union committees and the corresponding Ministries or departments. Collective agreements concluded in undertakings which are under the executive committees of the councils of working people's deputies and not under the system of Republican Ministries are registered by the Republican committees of the trade unions and the corresponding executive committees of the councils of working people's deputies.

Collective agreements containing conditions which are contrary to labour legislation in force or deviate from definitive plan targets are registered only after the necessary corrections have been introduced into the texts of the said agreements.

Should an undertaking or institution be reorganised or transferred to a new authority the collective agreement, if already registered, remains in force for the whole stipulated period. In such cases each party is entitled to state its desire to re-examine the collective agreement, informing the other party two weeks beforehand : but the original agreement remains in force until a new one has been reached (section 23 of the Labour Code).

The collective agreements define the obligations of managements and of the trade union organisations regarding the state plan, labour productivity, labour protection, medical aid, housing, etc. (section 2 of the Regulations of the All-Union Central Council of Trade Unions).

Collective agreements also deal with the following matters : obligation of the administration of the undertaking to explain the conditions of remuneration to all newly engaged wage earners and salaried employees ; action to introduce piece rates and progressive payment schemes ; the classification of jobs, etc.

If, during the conclusion of collective agreements, differences of opinion arise between the administration of the undertaking and the trade union committee, such differences are settled jointly by the appropriate Ministry and the Republican trade union committee. If, in connection with such a difference, the appropriate Ministry and the Republican trade union committee cannot reach agreement, the points at issue are determined by the All-Union Central Council of Trade Unions jointly with the appropriate Ministry, except in the case of questions within the competence of the Council of Ministers of the U.S.S.R. (section 6 of Decree No. 279).

The trade union organs (central, district and works committees of the trade unions) and also the Ministries and departments are responsible for supervision of the application of collective agreements.

The All-Union Central Council of Trade Unions has instructed trade union central bodies and works committees to exercise systematic supervision of the application of collective agreements, to carry out a large-scale check on such application every quarter, etc. (section 8 of decree of 6 December 1952).

Deliberate breach on the employer's part of a collective agreement concluded by him with a trade union involves penal responsibility and is punishable by imprisonment not exceeding two years or a fine not exceeding 10,000 roubles (section 122 of the Penal Code).

The occupational organisations have no material liability for collective agreements (section 20 of the Labour Code).

The activity of the Ukrainian trade unions has shown that the conclusion and working of collective agreements are among their principal functions and preoccupations. Collective agreements are discussed by all workers concerned.

The Government states that it must be concluded from the foregoing that the rights of organisation and collective bargaining enjoyed by workers in the Ukraine are more extensive than the rights laid down in Convention No. 98.

### *Union of South Africa.*

Industrial Conciliation Act No. 36 of 14 May 1937 (L.S. 1937—S.A. 3).

Wage Board Act No. 44 of 18 May 1937 (L.S. 1937—S.A. 4).

Native Labour (Settlement of Disputes) Act, No. 48 of 5 October 1953.

The legitimate right of all workers to organise is protected by legislation. Section 78 of the Industrial Conciliation Act protects workers' freedom to belong to a trade union ; section 66 of the same Act and section 25 of the Wage Board Act prohibit the victimisation of workers by reason of their membership of a trade union.

Machinery is provided under the Industrial Conciliation Act for the negotiation of collective agreements between registered employers' and workers' organisations concerning all matters of mutual interest to them. The registration provisions in that Act do not apply to Native workers. Trade unions of workers not recognised under the Act, therefore, do not have the right to bargain collectively in terms of the Act. They are protected by the operation of the Native Labour (Settlement of Disputes Act) under which either a regional committee or a

central board appointed by the Minister of Labour negotiates on their behalf whenever there is a dispute involving their conditions of employment, or whenever these conditions are being considered by an industrial council.

The Department of Labour administers the Wage Board Act and the Industrial Conciliation Act. Permanent industrial councils composed of equal numbers of representatives of trade unions and employers' organisations have been constituted in the majority of industries to administer the collective agreements which they negotiate. Collective agreements published under the Act are enforceable in the criminal courts and the representatives of trade unions and employers' organisations on the industrial councils constantly have recourse to the courts in carrying out the duty imposed on them of ensuring peace in their industry and of administering their collective agreements.

No modifications have been made in national legislation or practice with a view to giving effect to any of the provisions of the Convention not already covered, nor is it intended at present to adopt any measures for this purpose.

The report states that the stage of social and economic development reached by Native workers is not such as to enable them to be given the responsibility of administering collective agreements. The administration of agreements, including the use of penal sanctions, and the duty of settling disputes are part of the industrial council system which operates as an integral part of collective bargaining machinery.

#### *U.S.S.R.*

Constitution dated 1936 of the Union of Soviet Socialist Republics.

Labour Codes of the Russian Socialist Federal Soviet Republic and the other constituent republics of the U.S.S.R.

The right of workers to form trade unions is guaranteed by the Constitution of the U.S.S.R. (section 126) and by the Labour Codes of the R.S.F.S.R. and the other constituent republics of the U.S.S.R.

Under the Soviet system, the trade unions enjoy complete freedom. According to section 152 of the Labour Code of the U.S.S.R. they are not subject to the procedure for registering with the public authorities which is applicable to organisations in general; they are registered with the inter-trade union body to which they belong, in accordance with rules established for this purpose by the National Trade Union Congress of the U.S.S.R.

Soviet trade unions are established and reach their decisions without any restriction, in agreement with the statutes adopted by the National Trade Union Congress, and under directives from the trade union authorities. The Labour Codes of the Soviet Republic prohibit heads of undertakings from putting any obstacles in the way of the elections of works committees, or hindering their activities. Any hindrance to the lawful activities of trade union organs is liable to penalties.

Soviet legislation also forbids any discrimination with regard to workers owing to their race or nationality (section 123 of the Constitution).

The right to work is guaranteed by the Constitution. No Soviet head of an undertaking may make the employment of a worker subject to the condition that he does not join a trade

union, or that he resigns from membership. Nor can the employer refuse to engage him, or dismiss him, owing to his trade union membership.

The statutes of Soviet trade unions recognise the unions' right to submit draft legislative texts to the Government on questions concerning wages, labour protection, social security, social and cultural services, etc.

The right of trade unions to conclude collective agreements on behalf of the workers is recognised by the Labour Codes of the Soviet republics, which lay down that the provisions of the collective agreement render null and void all provisions of individual contracts which would be less favourable to the workers concerned.

Every year, collective agreements are concluded in the U.S.S.R. between the works committees and the management. In 1955 more than 50,000 such contracts were concluded in Soviet undertakings.

Collective agreements in an undertaking deal with questions of production, material conditions (including wages), labour protection, social and cultural services for the workers, etc. The draft agreement is widely discussed at meetings attended by almost all the workers, who submit suggestions or amendments.

Once signed by the trade union committee and the management of the undertaking, the collective agreement is registered with the competent Ministry and the central committee of the competent trade union; when the undertaking belongs to a local soviet, the agreement is registered by a representative of the competent trade union and by the local soviet concerned.

The "commissions of assessment and disputes" set up in the workshops and undertakings, the works committees and their permanent commissions (commissions on wages, on labour protection, etc.), and the higher organs of the trade union hierarchy are responsible for supervising the carrying out of the collective agreement.

The commissions of assessment and disputes are composed of an equal number of representatives of the management and the trade union, and are qualified to examine any differences which may arise between the workers and the management as regards the enforcement of labour legislation, collective contracts, internal rules of the undertaking and individual labour contracts.

Since wages questions constitute one of the principal items in the collective agreement, the wages commissions attached to the works committees and workshop committees play an important part in the supervision of the carrying out of the agreement. These commissions, composed of workers, technicians and salaried employees, are responsible for daily supervision of the enforcement of the wage scales and wage rates, and of the various systems of remuneration and the rules relating to bonuses. In addition, a general check on the carrying out of the contract is made every three months.

The Administration assumes the responsibility for disciplinary action in the event of failure to carry out the obligations under the contract. This may also involve penalties for the representatives of the Administration in the event of intentional breaches of the contract. On the other hand, the engagements entered into by the trade union committees cannot give rise to court proceedings.



The undertaking is also legally responsible in civil law for the carrying out of the management's obligations with regard to property, but the trade unions are not thus responsible under section 20 of the Labour Code of the R.S.F.S.R.

The Government states that Soviet practice is in accordance with the provisions of Convention No. 98 and that in point of fact Soviet workers enjoy much more extensive rights than those provided by the Convention.

#### *Viet-Nam.*

Labour Code (Ordinance No. 15 of 8 July 1952).

Ordinance No. 23 of 16 November 1952 to fix the rules for occupational unions.

In accordance with the ordinance of 16 November 1952 to fix the rules for occupational unions, every individual, whether employer or worker, is free to join the union of his choice, with the sole proviso that he has worked for a year in Viet-Nam in the occupation corresponding to the union.

Sections 31 and 32 of the Labour Code prohibit employers, under pain of penalties for an improper breach of the labour contract, from dismissing a worker owing to his union membership.

No provisions exist for the explicit protection of occupational organisations against acts of interference by each other, but the Government states that in practice there is no interference of this kind.

Sections 70 to 93 of the Labour Code lay down the methods for the conclusion and application of collective agreements. The sections in question deal successively with the character and the validity of collective agreements, the procedure for extending them, and their operation.

The labour officials and, where necessary, the public servants of the Administration, are the authorities responsible for supervising the enforcement of the provisions mentioned above.

The Government does not at present contemplate ratifying Convention No. 98, seeing that the existing legislation only partially sanctions the principle of protection of the right to organise, in that it limits this protection to cases of breach of contract by introducing the idea of improper dismissal.

#### *Yugoslavia.*

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

Constitutional Act of 13 January 1953.

Act of 21 June 1946 respecting associations, meetings and other public assemblies.

Act of 1 April 1947 to amend and supplement the Act concerning associations, meetings and other public assemblies.

Decree No. 711 of 27 September 1948 respecting the formation and cessation of labour-management relations (*L.S.* 1948—Yug. 1).

Decision of 20 December 1950 for the purpose of ensuring agreement between the federal laws and the reforms of the state administration and of the system of economic administration.

Act of 8 October 1951 for the purpose of ensuring agreement between the provisions of the federal laws respecting infringements and the provisions of the basic law respecting infringements.

Decree of 12 April 1952 respecting the procedure for the dismissal of workers and salaried employees in economic organisations.

The Yugoslav Constitution of 1946, in section 27, guarantees for all citizens freedom

of speech, association and assembly. The right of workers to organise for their protection against economic exploitation is sanctioned by section 20 of the Constitution and is reaffirmed in the Constitutional Act of 1953, which contains a provision guaranteeing to workers the right to associate freely with a view to promoting their interests.

According to the Act of 1946 respecting associations (section 13), the foundation of an association must form the subject of a statement by the competent authority, to which must be annexed the rules and the programme of the association.

The above-mentioned provisions ensure protection against all the acts of discrimination referred to in Articles 1 and 2 of the Convention.

In practice, the effective application of the right to organise is ensured by the reformed system of management of the state undertakings, which are now managed by committees elected by the workers themselves.

Furthermore, owing to the important part assigned at the present time to the trade unions, which take part in the settlement of all social and economic problems, the question of anti-trade union discrimination does not arise. On the contrary, workers who are members of trade unions enjoy various privileges, especially as regards annual holidays.

The dismissal of a worker owing to his membership of a trade union is not possible owing to the fact that, under the terms of the decree of 1952 respecting the procedure for dismissal, workers may not be dismissed except with the consent of the competent trade union organ.

Nor is there any danger of the workers suffering prejudice owing to their trade union activities; in fact, the compensation for wages lost is usually paid them by the organisers of the activities in question.

Section 2 of the decree of 1948 respecting labour-management relations enables trade unions to negotiate collective labour agreements. However, although the text in question is still in force, no collective agreements have so far been concluded in the nationalised sector of the economy. In point of fact, the basic employment conditions are determined by legislation, while the management of the undertakings, which is elected by the workers themselves, is responsible for settling the details of the conditions to be applied to the workers in each undertaking.

On the other hand, in the private sector of the economy employment conditions must be compulsorily settled by collective agreements concluded with the trade union. Collective agreements are also concluded in the co-operatives, but only for fixing wage rates.

With regard to the machinery for collective bargaining in the two sectors of the economy, the Government refers to its report on Recommendation No. 91.

The labour inspectorate, the organisation and operation of which was defined by the Labour Inspection Act of 1 December 1948, is responsible for the control of the application of provisions relating to the principles laid down in the Convention.

No change has been made recently in the regulations which concern the application of this Convention.

## Collective Agreements Recommendation, 1951 (No. 91)

### *Austria.*

Federal Act No. 76 of 26 February 1947 respecting the determination of conditions of employment and remuneration by means of collective agreements and rules of employment (*L.S.* 1947—Aus. 1).

Federal Act No. 140 of 2 June 1948 to lay down principles to govern labour law in agriculture and forestry (*L.S.* 1948—Aus. 2).

Act No. 76 authorises organisations of employers and workers to conclude collective agreements. The conciliation boards participate in the proceedings in connection with the conclusion of a collective agreement if either of the parties concerned or a competent authority makes a proposal to that effect. In the case of a dispute concerning the conclusion, revision or interpretation of a collective agreement, the conciliation board, at the request of either of the parties concerned in the dispute or of an authority, institutes conciliation proceedings and endeavours to effect an agreement. The conciliation board may issue an arbitration award only if both the parties to the dispute have previously given a written undertaking to abide by such an award.

A collective agreement may be concluded if the two parties have the capacity to do so. Under the Act respecting collective agreements the following have the capacity to conclude such agreements: the appropriate statutory bodies representing the interests of employers and employees, and, under certain conditions, the voluntary industrial associations of employers and employees. The Central Conciliation Board grants this capacity to voluntary associations if one of their objects, as provided in their rules, is to determine conditions of employment, if they are of considerable importance by reason of their membership and range of activities, or if their sphere of activities covers a comparatively wide field and they are independent of one another. These last conditions ensure that no trade union which is dominated or financed by the employers may be granted the capacity to conclude collective agreements. An individual employer cannot be a party to a collective agreement, since only associations have the capacity to conclude them; nevertheless, an association may conclude a collective agreement for a specific undertaking.

The provisions of a collective agreement, in so far as they determine the legal relation between employer and employee, are deemed to form an integral part of every contract of employment concluded between the employers and employees who are bound by the collective agreement. All employers and employees who were members of the contracting industrial associations at the time of concluding the col-

lective agreement or who subsequently became members thereof, and any employer to whom the undertaking of an employer covered by the agreement is transferred, are bound by the provisions of the agreement. The legal effects of a collective agreement apply in the same way to any employees of an employer who is bound by the agreement who are not themselves parties to the agreement.

No individual agreement may have the effect of rendering inoperative or restricting any provision of a collective agreement governing the legal relation between employer and employee. Where special agreements are not prohibited by the collective agreement, they shall only be valid if they are more favourable to the employees or relate to matters not governed by the collective agreement.

On application by a body possessing the capacity of concluding collective agreements, the conciliation board may decide that a collective agreement which has acquired predominant importance shall also be binding, as regards any or all of the provisions governing the legal relations between employers and employees, in respect of other types of employment which are fundamentally similar to those regulated by the collective agreement but are not at present regulated by such an agreement.

The supervision of the enforcement of collective agreements is carried out by the labour inspection authorities, and, in individual undertakings, by the works councils. If an employer infringes the collective agreement, an individual employee may appeal to the courts.

The Act respecting collective agreements provides that every employer who is bound by a collective agreement shall, within three days of its date of publication, post up the text in a place accessible to all his employees and draw attention to its posting by a notice. A collective agreement shall come into effect when it has been deposited with the competent conciliation board and published in the *Amtsblatt zur Wiener Zeitung*.

The period of operation of a collective agreement is fixed by the parties to it; where no period has been fixed, an agreement may be terminated at three months' notice at any time after one year has elapsed.

With regard to agriculture and forestry, all the questions with which the Recommendation deals are settled by regulations. Act No. 76 respecting collective agreements applies to the salaried employees in these occupations, while the manual workers are governed by Act No. 140 and the ordinances respecting agricultural labour which the provinces have enacted to implement that Act. The system is similar to



the one described above, the differences relating mainly to the following points : a system of local conciliation boards replaces the system described in the Act respecting collective agreements ; a Provincial Conciliation Board supervises and co-ordinates the activities of the local conciliation boards. Further, the principal duties with regard to collective agreements are carried out by the provincial conciliation boards, because most of the collective agreements concluded to implement the ordinances on agricultural labour apply in general to the federal territory. Consequently, it is the provincial conciliation board which registers the collective agreements and also takes part in negotiations for their conclusion and in the settlement of collective disputes arising therefrom.

Under the terms of the Constitution, the provinces are responsible for the application of the ordinances on agricultural work, and therefore for the supervision of the application of the system of collective agreements set up under the provincial laws. Employers and workers are represented on an equal footing on the conciliation boards.

In view of the fundamental character of the regulations on collective agreements, it is not considered necessary to enact any new legislation.

#### *Belgium.*

Legislative Order of 9 June 1945 to issue rules for joint committees (*L.S.* 1945—Bel. 5).

Royal Order of 5 April 1952 to consolidate the laws respecting the National Committee for Homework.

Act of 4 March 1954 to amend the legislation respecting the labour contract.

Act of 11 March 1954 to amend the legislation respecting the contract of employment.

There is no special law in Belgium respecting collective agreements, but relevant provisions may be found in the laws mentioned above.

In addition, many labour laws provide for the intervention of collective agreements to ensure their operation, as, for example, the Act of 14 June 1921 to provide for an eight-hour day and a 48-hour week (*L.S.* 1921—Bel. 1); the Act of 9 July 1936 to institute the 40-hour week in certain industries (*L.S.* 1936—Bel. 11); the Act of 1 May 1938 to fix hours of work in the diamond industry ; the Legislative Order of 25 February 1947 respecting public holidays with pay ; the Act of 20 September 1948 respecting the organisation of the economy, etc.

*Part I of the Recommendation.* The procedure for collective negotiations is fixed by law only when negotiations are held—

(a) Within the scope of the joint committees, the rules for which are fixed by the Legislative Order of 9 June 1945. There are at present 48 national joint committees—one of which is competent for all salaried employees, regardless of their type of occupation—which were set up by Royal Order in each branch of industry, commerce or agriculture, on the application of the industrial organisations concerned or after consultation with them, and 40 regional joint committees set up by the Minister concerned on the application of a national committee or a representative organisation. The question of increasing the number of joint committees to 76 is being considered.

The principal duties of the joint committees are to establish general basic rates of remuneration, corresponding to the various grades of vocational qualifications, especially by means of the conclusion of collective agreements, and to consider the general conditions of employment. The unanimous approval of all members present is essential for any decision taken by the committees. Each joint committee includes at least four members representing the employers and four members representing the workers. No one may be appointed a member of a joint committee unless he has belonged to the form of activity concerned for at least five years in Belgium. However, this condition is not compulsory for the officers of occupational organisations. The employers' and workers' members are appointed by Royal Order at the suggestion of representative occupational organisations, i.e. employers' organisations specified by Royal Order and workers' organisations which belong to a national organisation with not less than 30,000 members. The chairmen and vice-chairmen are appointed by Royal Order from among persons specially well versed in economic and social questions who are not connected with the interests of which the joint committee may be required to take cognisance. The joint committees also act as conciliators.

(b) Within the scope of the National Committee for Homework, the rules of which are laid down in the laws consolidated by the Royal Order of 5 April 1952. With regard to this question, the Government refers to its report for 1950-1951 on the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26).

(c) In the event of labour disputes. Days of strike or lockout are not compensated by unemployment benefit and cannot be assimilated to effective days of work, for the enforcement of a certain number of labour laws, except in so far as the procedure prescribed by the Order of the Regent dated 12 March 1946 has been respected (submission of the dispute to the labour inspector concerned and transmission of the file, in the event of the failure of conciliation, to the competent joint committee). The employers' or workers' organisations may also draw up together a "national agreement" ; for example, an agreement of June 1947 established rules for trade union delegations in the undertakings, leaving it to the joint committees to settle the particular methods for enforcing it.

*Part II.* There is no statutory provision defining a "collective agreement". In practice it is generally accepted as an agreement concluded between one or more trade unions of wage earners or, in the absence of such unions, between representatives of the workers in question, on the one hand, and, on the other hand, one or more employers or one or more employers' industrial associations, with the object of regulating uniformly, in a specified branch of activity, the conditions of employment to which all individual contracts must conform.

*Part III.* Every collective agreement is given compulsory force even if it was not concluded in a joint committee and has not been sanctioned by a Royal Order. A collective agreement which has not been made compulsory by the King is binding only on the organisations which have signed it and on the members of

those organisations; when it is made compulsory, it is binding on third parties and acquires the same statutory character as a government order, and any breach of it involves penalties apart from the nullity of the clauses of individual contracts which are contrary to the provisions which have been made compulsory. Nevertheless, a collective agreement which has not been made compulsory is also binding on third parties when those parties have had no part in the conclusion of their individual agreements and in so far as no collective agreement regulates their individual contract.

Those provisions of individual contracts which are more favourable to the workers than those provided by a collective agreement are not considered to be contrary to the provisions of the latter.

The provisions of a collective agreement apply to all the workers in the categories concerned who are employed in the undertakings governed by the collective agreement, unless the agreement contains an express provision to the contrary.

*Part IV.* The extension of a collective agreement to cover third parties is only possible if it has been concluded in a joint committee within the limits of the rules defined by the Legislative Order of 9 June 1945, that is to say the agreement must have been concluded by occupational organisations sufficiently representative of the employers and workers concerned.

The request for the extension may be made either by the joint committee or separately by one of the representative organisations party to the agreement. The employers and workers to whom the agreement is to be applied may submit observations in advance through the signatory organisations if they are members of these organisations.

*Part V.* Individual disputes which may arise as to the interpretation of a collective agreement are settled by the courts. It is more often the joint committees which act as conciliators with regard to collective disputes.

*Part VI.* Since a collective agreement is contractual in origin, it involves an engagement on the part of the signatory organisations to implement it in good faith. If it has been the subject of an extension order, the labour inspectors are empowered to supervise its enforcement.

*Part VII.* Employers bound by collective agreements must bring to the notice of the workers concerned the clauses of the agreements which are incorporated in the individual labour contracts. No obligation exists as to registration and deposit of collective agreements. Those which are made the subject of an extension order are published in the *Moniteur belge*. A collective agreement which has not been the subject of an extension order comes into force, unless it has provisions to the contrary, on the date on which it is signed; if it has been extended, it comes into force ten days after its publication in the *Moniteur belge*.

The Minister of Labour and Social Welfare is responsible for the enforcement of the legislation and regulations relating to collective agreements.

Reorganisation of the competence of the joint committees with a view to making all branches of activity dependent on a joint committee is at present being considered.

#### *Bulgaria.*

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

The report refers to sections 9 to 14 of the Labour Code, respecting collective agreements, and to sections 136 and 140, respecting the settlement of disputes.

The report emphasises the fact that there are differences of principle between the collective agreements between workers and managements of undertakings provided for by the Bulgarian Labour Code and the agreements negotiated in countries with a capitalist régime. These differences concern not only the scope and contents of the agreements, but also the procedure for their conclusion and the machinery provided for ensuring their application.

In Bulgaria collective agreements are concluded only at the level of the undertakings. Every year collective contracts are concluded between the trade union committee representing the wage and salary earners, of the one part, and the undertaking, represented by its director, of the other part. The parties to the agreement assume reciprocal obligations in fulfilling the production plan, improving the conditions of employment, encouraging new methods and techniques of work, especially by raising the level of the occupational skills of the workers, and also ensuring that their proposals as regards labour protection and safety shall be put into practice. The collective agreements also include provisions relating to the use of leisure time, to housing conditions and to various social and cultural amenities.

The draft of the collective agreement is drawn up, on the basis of proposals made by the workers, and the agreement is concluded after its various provisions have been examined in detail first at trade union meetings and then at general assemblies of all the workers.

The agreement is concluded for one year. It is registered with the central committee of the trade union concerned and with the competent government department. Its provisions are given wide publicity and the text is distributed to the workers in the undertaking.

The workers themselves and their occupational organisations, together with the management of the undertaking, supervise the carrying out of the collective agreement, and every three months general assemblies of the workers examine its operation.

Under section 136 of the Labour Code, disputes with regard to the fulfilment of the obligations assumed by the undertaking under a collective agreement with regard to the satisfaction of the material needs of the wage or salary earners are examined in the first place by the conciliation boards. Other disputes relating to interpretation and enforcement of the collective agreements are dealt with by the regional courts.

#### *Burma.*

No legislation or administrative arrangements exist in Burma in regard to matters dealt with in the Recommendation.

*Byelorussia.*

See under Convention No. 98.

*Canada.**Federal.*

Industrial Relations and Disputes Investigation Act of 30 June 1948, Revised Statutes of Canada 1952, c. 152 (L.S. 1948—Can. 1).

*Alberta.*

Labour Act, Part V, 1947, c. 8, amended by 1948, c. 76 ; 1950, c. 34 ; 1954, c. 51.

Labour Act, Part IV, 1947, c. 8 amended by 1950, c. 34 ; 1954, c. 51.

*British Columbia.*

Labour Relations Act, 1954, c. 17.

*Manitoba.*

Labour Relations Act, 1948, c. 27, amended by 1950, c. 31.

Fair Wages Act, Part II, R.S.M. 1940, c. 71 amended by 1940 (2nd session), c. 23 ; 1941-42, c. 20.

*New Brunswick.*

Labour Relations Act, R.S.N.B. 1952, c. 124, amended by 1953, c. 21.

Industrial Standards Act, R.S.N.B. 1952, c. 109.

*Newfoundland.*

Labour Relations Act, R.S.N. 1952, c. 258.

*Nova Scotia.*

Trade Union Act, 1947, c. 3, amended by 1948, c. 72 ; 1949, c. 66 ; 1951, c. 58 ; 1953, c. 40 (R.S.N.S., 1954, c. 295 in effect 21 February 1955).

Industrial Standards Act, 1936, c. 3, amended by 1937, c. 63 ; 1939, c. 58 ; 1946, c. 38 ; 1952, c. 50 (R.S.N.S. 1954, c. 125 in effect 21 February 1955).

*Ontario.*

Labour Relations Act, R.S.O. 1950, c. 194, amended by 1954, c. 42.

Industrial Standards Act, R.S.O. 1950, c. 179.

*Prince Edward Island.*

Trade Union Act, R.S.P.E.I. 1951, c. 164, amended by 1953, c. 3.

*Quebec.*

Labour Relations Act, 1944, c. 30, amended by 1945, c. 44 ; 1946, c. 37 ; 1950-51, cc. 34, 35, 36 ; 1952-53, c. 15 ; 1953-54, c. 10.

Collective Agreement Act, R.S.Q. 1941, c. 163, amended by 1943, c. 29 ; 1944, c. 30 ; 1946, c. 38 ; 1949, c. 54.

*Saskatchewan.*

Trade Union Act, R.S.S. 1953, c. 259, amended by 1954, c. 67.

Industrial Standards Act, R.S.S. 1953, c. 258, amended by 1954, c. 66.

The Government states that the provisions of the Recommendation are appropriate under its constitutional system for legislative action by the federal authorities and by each of the ten provinces. The subject matter of the Recommendation concerns civil rights which fall within provincial jurisdiction except in so far as the federal Government has legislative jurisdiction with respect to certain works, undertakings and businesses in virtue of the British North America Act.

Canadian legislation and administrative practices, both federal and provincial, include provisions on the matters dealt with in the Recommendation. The Industrial Relations and Disputes Investigation Act and the provincial Acts all refer extensively to collective agreements and questions relating to them.

*Part I of the Recommendation.* The federal Act provides machinery or procedures for the

negotiation, conclusion, revision and renewal of collective agreements. Where a trade union is certified as a bargaining agent for a unit of employees, either the trade union or the employer may give notice to the other requiring the commencement of collective bargaining with a view to concluding a collective agreement ; where a trade union is not certified but has concluded a collective agreement with an employer, either party may require the other to commence collective bargaining with a view to the renewal or revision of the agreement or the conclusion of a new agreement.

Where direct negotiations do not result in agreement, the Act provides for the appointment of a Conciliation Officer and, subsequently, a Conciliation Board to assist the parties in reaching agreement.

It is the practice in Canada for the time of termination and re-negotiation for renewal of a collective agreement to be laid down in it. Where an agreement is of indeterminate duration, the Act provides that it shall be deemed to be for a term of one year from the date it came into operation.

With respect to provincial law and practice, as regards the giving of notice to bargain following certification or where an agreement already exists and renewal is desired, the Acts of British Columbia, Manitoba, New Brunswick and Nova Scotia have identical or almost identical provisions with those contained in federal legislation. The Acts of Alberta, Ontario, Prince Edward Island, Quebec and Saskatchewan have similar provisions with minor variations in regard to the time of commencement of bargaining and procedure. The formal appointment of Conciliation Officers and/or Conciliation Boards is provided for in the Acts of all provinces except Prince Edward Island.

*Part II.* The federal Act defines a collective agreement as meaning "an agreement in writing between an employer or an employers' organisation acting on behalf of an employer, on the one hand, and a bargaining agent of his employees, on behalf of the employees, on the other hand, containing terms or conditions of employment of employees including provisions with reference to rates of pay and hours of work".

The Act provides that an employer-influenced or dominated organisation shall not be certified as a bargaining agent. An agreement entered into by an employer-dominated organisation is not deemed to be a collective agreement for the purposes of the Act. The provincial Acts contain identical or similar provisions.

*Part III.* The federal Act provides that a collective agreement entered into by a certified bargaining agent is binding on the bargaining agent, on every employee in the certified bargaining unit, and on the employer. The Acts of Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland, Nova Scotia, Ontario and Quebec contain similar provisions. The binding effect of collective agreements is recognised by the requirement in the federal Act and in the Acts of all provinces, except Saskatchewan and Quebec, that disputes which concern the violation or misinterpretation of the provisions of the agreement shall be submitted to arbitration, and by the provision that the arbitration award shall be binding.

The report states that it is not the practice in Canada for employers or workers to enter into individual contracts of employment which are contrary to the provisions of collective agreements. The agreements usually provide for minimum standards and employers are free to grant more favourable conditions. If an employer attempts to grant less favourable conditions than those set out in the agreement the resultant dispute can be submitted to arbitration.

The report states that the system of arbitration with binding effect in disputes concerning the violation or misinterpretation of collective agreements makes it possible for the parties themselves to secure effective observance. No further legislative measures have been thought necessary.

Unless the collective agreements provide otherwise, their provisions apply to all workers of the categories concerned employed in the undertakings covered by them.

*Part IV.* The report states that within the field of federal jurisdiction the extension of collective agreements has not developed as a collective bargaining practice and that measures for such purpose have not been necessary or practicable. However, the practice has developed in the larger railway and steamship operations that when agreements are reached the new conditions established in them become established in agreements negotiated subsequently in the smaller railway and steamship operations. This, however, is done by bargaining and not by automatic extension.

The provinces of Alberta, Manitoba, New Brunswick, Nova Scotia, Ontario and Saskatchewan have industrial standards legislation which has some characteristics in common with legislation for the extension of collective agreements : it provides for the application of certain established conditions of employment to the operations of other employers and employees in an industry or in a territorial zone.

Only in Quebec does the legislation provide specifically for the extension of certain provisions (wages, hours of work, apprenticeship) of an existing agreement. The Minister of Labour may recommend approval of extension of an agreement only if he deems that the provisions of the agreement "have acquired a preponderant significance and importance for the establishing of conditions of labour". The application for the extension of an agreement must be made by a party to the agreement. An agreement which it is proposed to extend must be published in the *Official Gazette* with a notice that the application for extension has been made. Objection may be filed within a 30-day period.

*Part V.* As regards the interpretation of collective agreements, the report points out that the Canadian system combines both the procedures set forth as alternatives in Paragraph 6 of the Recommendation, i.e. action by the parties and by the law. Disputes concerning the interpretation of an agreement are submitted to arbitration in accordance with a procedure provided for in the agreement itself or, if the agreement does not provide for any, in accordance with a procedure provided for by law.

*Part VI.* It is Canadian law and practice that the parties to agreements themselves supervise

the application of the agreements and refer to arbitration any violation of them. However, under the Collective Agreement Act of the Province of Quebec, when agreements are extended provision is made for the establishment and functioning of Parity Committees to supervise the application of collective agreements.

*Part VII.* The federal Act does not require employers to bring the contents of collective agreements to the attention of their workers, this being left to the bargaining agent acting for the employees. No such provision is contained in provincial legislation either, but employers are required in a number of provinces to post schedules of the wages, hours, and other conditions established in the industry.

The federal Act and eight of the provincial Acts provide that each of the parties to a collective agreement shall file a copy with the Minister of Labour.

The federal Act provides that collective agreements shall run for a minimum period of one year ; there are similar provisions in the provincial Acts.

The federal Act is supervised by the Minister of Labour for Canada with respect to certain functions and by the Canada Labour Relations Board with respect to others. The Minister has the general authority and Parliamentary responsibility for the supervision and administration of the Act.

The same general division of authority is provided for in all provincial Acts, except in that of Prince Edward Island, where the Provincial Secretary has the sole responsibility for administration of the Act.

As concerns the manner in which organisations of employers and workers may be asked to co-operate in the application of the legislation, Labour Relations Boards composed of representatives of employers' associations and trade union federations, with independent chairmen, have been established. Organisations of employers and employees are also asked to co-operate in the administration of the industrial standards legislation of Alberta, Manitoba, New Brunswick, Nova Scotia, Ontario and Saskatchewan, and the Collective Agreement Act of Quebec.

The report states that, as the provisions of Canadian law and practice were already very close to the provisions of the Recommendation when it was adopted in 1951, no measures are called for to give further effect to the Recommendation. No modifications to the Recommendation have been found necessary.

There has been no need to make any arrangements with a view to promoting co-ordinated action to give effect to all or any of the provisions of the Convention.

### *Ceylon.*

Industrial Disputes Act, No. 43 of 1950 (L.S. 1950—Cey. 1) and implementing Regulation.

The Act contains provisions to enable employers' and workers' associations to enter into collective agreements.

Section 5 (1) defines the term "collective agreement" as meaning "an agreement relating to the terms and conditions of employment of workmen in any industry to which the parties are, first, an employer or two or more em-

ployers ; and secondly, a trade union or trade unions consisting of workmen". The definition excludes direct participation of workers in the agreement.

Section 6 provides that if the Commissioner of Labour finds that the terms and conditions of employment provided for in the agreement are satisfactory he shall cause the agreement to be published in the government Gazette.

Section 8 provides that every collective agreement in force shall be binding on the parties, trade unions, employers and workmen referred to therein, in accordance with the provisions of section 5 (2); and that the terms of the agreement shall be implied terms in the contract of employment between the employers and workmen bound by the agreement.

Section 10 and the implementing regulation provide that an agreement can be extended to apply to the particular trade or industry if 25 per cent. of the employers and workers of that industry or trade are parties to that agreement.

Section 10 (3) provides for the interpretation of agreements falling within the purview of section 10 (1) of the Act but not of ordinary agreements binding under section 8.

Section 9 permits any party to repudiate an agreement by written notice. Such agreement ceases to have effect on the expiration of the month immediately succeeding the month in which the notice is received by the Commissioner.

Under sections 40 (1) and 44 the Labour Department can supervise the application of collective agreements coming within the purview of sections 6 and 10.

The Government is considering whether action is necessary for implementation of provisions of the Recommendation not yet covered by national legislation or practice.

No modifications of the Recommendation have been found necessary.

#### *Chile.*

Labour Code of 30 May 1931 (*L.S.* 1931—Chile 1) as amended.

General Labour Directorate Order No. 76.

Collective bargaining procedures and the definition of collective agreements are laid down in sections 3 and 17 to 23 of the Code. A collective agreement is an agreement concluded between an employer or an association of employers on the one hand and a trade union or a federation of trade unions on the other, for the purpose of laying down certain common conditions of employment or remuneration either in a particular undertaking or in a group of undertakings.

A collective agreement is binding on all employers who subscribe to it either personally or through their representatives and on all wage earners belonging to lawfully constituted trade unions represented at the conclusion of the agreement.

The provisions of collective agreements are compulsory clauses of all individual contracts.

The Code provides that trade unions are liable for the discharge of the obligations incurred.

Enforcement of legal prescriptions concerning collective agreements is entrusted to the General Labour Directorate, under which the provincial,

departmental and communal inspectorates are placed.

Employers' and workers' organisations collaborate in the enforcement of collective agreements through their right to report violations to the labour authorities (section 31 of General Labour Directorate Order No. 76) and through their participation in the collective bargaining, since the law requires one of the parties to be a trade union.

The General Labour Directorate requested the Ministry of Labour to inform Parliament of the adoption of the Recommendation and to point out at the same time that, in the present state of Chilean law and practice, immediate effect cannot be given to its provisions, due to the lack of adequate means for enforcement. This message has thus far not been delivered to Parliament.

#### *Colombia.*

Labour Code (Decree No. 2663 of 5 August 1950 (*L.S.* 1950—Col. 3)) as amended by Decree No. 616 of 26 February 1954 (*L.S.* 1954—Col. 1).

Under section 467 of the Labour Code (formerly 484)<sup>1</sup> a collective agreement is an agreement made between one or more employers or associations of employers on the one hand and one or more industrial associations or federations of industrial associations of employees on the other hand in order to determine the conditions governing contracts of employment during the period in which the said agreement remains in force. Section 468 (485) sets out the provisions which collective agreements must contain as regards the parties concerned, the undertakings covered, the period of validity, prolongation, termination, and the obligations of the parties. Collective agreements are written contracts, a copy of which must be lodged with the National Department of Labour. Under section 469 (486) failure to carry out these conditions renders the contract null and void.

A collective agreement applies only to the members of the trade union which has signed it (section 470 (487)). However, when the membership of the trade union or federation exceeds one-third of the total number of workers employed in the undertakings or establishments concerned, the provisions of the agreement become applicable to all persons employed in such undertakings or establishments, whether or not they are members of a trade union (section 471 (488)).

Where a collective agreement is binding on more than two-thirds of the workers employed in a given industry in a fixed economic region, the Government may extend its application to other undertakings which work under equal or similar technical or economic conditions, except where more favourable conditions are provided in existing agreements (section 472 (489)).

The withdrawal of an employer from an employers' organisation which is a party to a collective agreement does not relieve him of the obligations incurred under the agreement (section 473 (490)). Similarly, even where a trade union is dissolved for any one of the reasons recognised by law (section 401 (418)), collective agreements remain in force and con-

<sup>1</sup> The second figure in brackets represents the old numbering given in *L.S.* 1950—Col. 3.

tinue to govern the rights and obligations of the employers and the workers (section 474 (491)).

A trade union which is a party to a collective agreement may bring action either for the enforcement of the agreement or for the payment of damages (section 475 (492)). This right may be exercised either by the workers individually or by the trade union delegated by them for that purpose (section 476 (493)).

Where the duration of a collective agreement is not laid down, the agreement is presumed to have been made for successive periods of six months (section 475 (494)); in the absence of written notification sent by the parties 60 days prior to the expiration of the agreement, the latter is prolonged for six months.

The termination of any collective agreement must be notified in writing to the local labour inspector, who then transmits it to the National Labour Department. The old collective agreement remains in force until a new one is signed (section 479 (496), of the Code, as amended by Decree No. 616 of 1954).

Collective agreements may be revised when there is a change in the economic situation. Disputes arising in such cases are settled by the labour courts. In the meantime, existing collective agreements remain in force (section 480 (497)).

Covenants between employers and workers who are not organised are governed by the provisions which govern collective agreements; however, such covenants apply only to persons who are actually parties to them or adhere to them subsequently (section 481 (498)).

Trade unions may conclude "trade union contracts" for the hire of services or the execution of a task by their members. Such contracts are governed by provisions similar to those governing collective agreements (section 482 (499)).

A trade union bound by a trade union contract is directly responsible for its execution, including compliance by its individual members with the obligations laid down. The trade union is competent to act as a legal person on its own behalf or in the name of its members. Parties to trade union contracts must pay a security in order to ensure that they will be able to meet their obligations (section 483 (500)). In case of the dissolution of a trade union which is a party to a trade union contract, the workers continue to lend their services under the stipulated conditions as long as the contract remains in force. During this period, the security is kept in deposit (section 484 (501)).

### *Cuba.*

Constitution of the Republic of Cuba, article 77.  
Legislative Decree No. 446 of 1934 (*L.S.* 1934—Cuba 7).  
Decree No. 798 of 1938.  
Code of Social Protection.

Collective agreements, once registered in the Agreements Registers at the Ministry of Labour and its provincial offices, have the force of law and are binding on the parties. Failure to comply with them is punishable in accordance with article 575 of the Code of Social Protection.

The report states that Cuban legislation is in accordance with the Recommendation and that it is unnecessary to compare the texts.

The Ministry of Labour, its provincial offices, the Director-General of Labour and the agreements services are responsible for applying registered collective agreements and settling differences arising from them.

The report adds that Cuban legislation is more comprehensive than the Recommendation, that it covers all the matters with which this deals, and that there is no need to introduce any modification.

### *Denmark.*

The Government refers to the list of legislative provisions and agreements mentioned in its report on Convention No. 98 and to a letter of 7 June 1951 containing the Government's observations on the report on *Industrial Relations* prepared for the 34th Session of the International Labour Conference (1951).<sup>1</sup>

The report states that in principle the conclusion, revision and renewal of collective agreements takes place by free negotiation between the parties concerned without any intervention on the part of the State; the conciliation board has been granted authority only to offer assistance to the organisations in the establishment and renewal of collective agreements.

As regards *Part III of the Recommendation*, the Confederation of Danish Trade Unions has made the following comments. As a general rule, collective agreements cover, not only the members of the trade union, but all workers employed in the undertaking. This rule has been established by the awards given by the Permanent Court of Arbitration. The Court follows the practice of declaring invalid any provisions in contracts of employment which are contrary to collective agreements. Agreements concluded—for example in trades for which a minimum wage is laid down—between employers and individual workers concerning their wage conditions, that is, their individual wages, are not contrary to collective agreements.

The Government points out that this is true as a general rule, but that in certain specific cases provisions in individual contracts which are contrary to those contained in the collective agreements may nevertheless remain in force.

The Government is not considering any measures to give effect to those provisions of the Recommendation which are not yet covered by the national legislation or practice.

See also the first three paragraphs of the report of the Danish Government on Convention No. 98.

### *Dominican Republic.*

Act No. 2920 of 11 June 1951: Labour Code (*L.S.* 1951—Dom. 1).

Section 92 of the Labour Code provides that "a collective agreement respecting conditions of employment shall mean an agreement entered into, with the participation of the most representative associations of employers and employees, between one or more unions of employees and one or more employers or associations of employers, for the purpose of estab-

<sup>1</sup> I.L.O.: *Industrial Relations*, Report V (1), International Labour Conference, 34th Session, Geneva, 1951 (Geneva, 1950).



lishing conditions to govern contracts of employment in one or more undertakings". Collective agreements may regulate wages, hours of work, holidays and other working conditions. Closed shop provisions are considered null and void (section 95).

Collective agreements relating to working conditions are binding on those who sign them provided that they are made in writing (section 102) in as many copies as there are distinct parties, plus two copies for the Department of Labour of the Secretariat of State for Labour (section 103).

The provisions of any collective agreement govern individual contracts even in the case of workers not affiliated to the trade union bound by the collective agreement; conditions laid down in individual contracts are automatically superseded by new collective agreements providing more favourable conditions. Any clauses of individual contracts waiving the rights guaranteed by collective agreements are null and void.

Collective agreements may be revised when both parties agree thereto, or in the case of events beyond the control of either party.

Thus, the Labour Code makes provision for collective agreements and contains detailed clauses in relation to their definition, the procedure governing them, their effect and their extension. In practice, however, collective agreements represent a new institution which has not yet reached its full development.

Enforcement of the provisions concerning collective agreements is the responsibility of the Secretariat of State for Labour; this function is exercised through the Labour Department and through local representatives and inspectors. Occupational organisations play an essential role since, under section 117, a trade union which is a party to a collective agreement may bring action to compel fulfilment of its conditions or the payment of damages. Individuals may also bring action aimed at the enforcement of collective agreements.

Measures will be taken to comply with the provisions of the Recommendation not covered by existing legislation as soon as collective agreements become a more generalised practice.

No modification in the present legislation appears necessary.

#### *Finland.*

Act No. 436 of 7 June 1946 respecting collective agreements (*L.S.* 1946—Fin. 2).

Act No. 437 of 7 June 1946 respecting the Labour Court (*L.S.* 1946—Fin. 3).

The Government does not contemplate taking any measures, at least in the near future, to give effect to those provisions of the Recommendation which are not yet covered by law or practice in Finland.

As regards possible amendments to the Recommendation, the report states that the Act respecting collective agreements does not recognise an agreement concluded by temporary groups of workers as constituting a collective agreement, since the party to such an agreement representing the workers must always be a registered association.

Although the Act respecting collective agreements does not contain any provision stating the principle that the provisions of labour contracts

which are more favourable to the workers than those provided under a collective agreement should not be considered as contrary to the latter provisions, this principle is none the less applied in practice in cases where the provisions of collective agreements give only the minimum of protection.

Finnish legislation has no provisions with regard to the possible extension of collective agreements.

#### *France.*

Act No. 50-205 of 11 February 1950 respecting collective agreements and proceedings for the settlement of collective labour disputes (*L.S.* 1950—Fr. 6).

*Part I of the Recommendation.* The Minister of Labour and Social Security may, at the request of any national occupational organisation of employers or employees concerned which is considered the most representative organisation, or on his own initiative, take steps to convene a joint committee for the purpose of concluding a collective agreement to regulate the relations between employers and employees in a particular branch of activity for the whole territory of France. Regional and local collective agreements may be concluded between the most representative occupational organisations of employers and employees in any one branch of activity. On application being made by any one of these organisations, the Minister of Labour and Social Security convenes a meeting of a joint committee entrusted with the task of drawing up a collective agreement.

*Part II.* A collective employment agreement is any agreement relating to conditions of employment concluded between one or more occupational organisations of employees, of the one part, and one or more occupational organisations of employers or any other group of employers or one or more employers individually, of the other part. This definition, which necessarily provides for the participation of one or more "trade union" organisations of workers, cannot possibly be interpreted as implying the recognition of a workers' organisation set up, dominated or financed by the employers or their representatives, all the more so because "independence" is one of the criteria required for determining whether the trade union organisations are representative.

*Part III.* Every person who has either signed a collective agreement himself, or is a member of an organisation which is a signatory thereto, is bound by such collective agreement. In every establishment coming within the scope of a collective agreement the provisions of the said agreement apply, unless there are more favourable provisions, to the employment relations arising out of individual or group contracts.

*Part IV.* The Act of 11 February 1950 provides for the possibility of making compulsory all or some of the provisions of a collective agreement for every employer and worker coming within the occupational and territorial scope of the agreement. This extension, which may be made either at the request of one of the most representative occupational organisations or on the Minister's own initiative, may only be made after the opinion (with reasons therefor) of the Superior Collective Agreements Board has been heard. A notice must be published in the

*Journal officiel*, requiring the occupational organisations and all persons concerned to make known their observations within 15 days.

*Part V.* The law provides that every collective labour dispute must be submitted to the conciliation procedure prescribed by the collective agreements or by the Act of 11 February 1950. The relevant courts to which an individual or collective dispute concerning the interpretation of a collective agreement may be referred, are empowered to settle such disputes.

*Part VI.* Persons or groups bound by a collective agreement may bring an action for damages against any other persons or groups bound by the agreement who have violated the obligations contracted. The labour inspectors and the supervisors of social legislation in agriculture are empowered to supervise the enforcement of the provisions of collective agreements whose scope has been extended by order.

*Part VII.* In all establishments covered by the collective agreement a notice must be posted up in the place where work is carried on and in the building and on the gate of the building where workers are engaged, indicating the existence of the collective agreement, the parties who are signatories thereto, and the date and place of lodgment of such agreement. A copy of the agreement must be kept available for members of the staff. In the case of agricultural establishments, members of the liberal professions, hall porters (*concierges*), homeworkers, or persons who work alone, it is sufficient to post up a notice in the town hall in the place where they reside. In establishments covered by an extended collective agreement the extension order must be posted up in the same way.

Three copies of every collective agreement must be lodged with the secretariat of the provincial court and with the clerk of the court of the Justice of the Peace of the place where it was concluded.

A collective agreement may be concluded either for a definite period or for an indefinite period. When it is concluded for a definite period this may not exceed five years. In the absence of any provision to the contrary, an agreement for a definite period continues to have effect on the expiry of the period as if it were a collective agreement for an indefinite period. A collective agreement for an indefinite period may be terminated at the wish of one of the parties.

The report states that in the case of France the question concerning provisions of the Recommendation not enforced does not apply.

#### *Federal Republic of Germany.*

Act of 9 April 1949 respecting collective agreements, as published in the federal Act of 11 January 1952 (*L.S.* 1952—Ger. F.R. 1), the scope of which was extended to cover the whole territory of the Federal Republic by an Act of 23 April 1953.

Ordinance of 7 June 1949 respecting the implementation of the Act respecting collective agreements. Works Constitution Act of 11 October 1952 (*L.S.* 1952—Ger. F.R. 6).

The ordinance of 7 June 1949 contains detailed provisions as to the obligation of the parties to an agreement to transmit the text and any amendments to it and to announce the

termination of it. The ordinance also indicates the authorities to whom this information should be transmitted, the methods of carrying out the obligation, the penalties in the event of infringement, the way in which the register of collective agreements should be kept, the procedure for making known the fact that an agreement has been extended so as to become of general compulsory application, or has ceased to be thus extended, and the establishment of the committee associated with this decision for extension.

The report states that the practice followed is in agreement with these statutory provisions and that as a result the Recommendation is fully implemented.

The only observation with regard to the definition of collective agreements (*Part II of the Recommendation*) is that, under section 59 of the Works Constitution Act, where remuneration and other conditions of employment are usually fixed by collective agreement, works agreements are permissible only where a collective agreement expressly authorises the making of supplementary works agreements. When the Recommendation was being discussed at the international level, attention was drawn to this special provision of German labour legislation. Further, the Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94), does not allow the adoption of works agreements concerned with questions which are covered by collective agreements.

As regards collective agreements the report states that the Recommendation is implemented, as required by *Part I*, by the legislation concerning collective agreements which provides that the parties to them, that is to say, employers' associations or individual employers, and the trade unions, should meet periodically to negotiate the conclusion, revision or renewal of collective agreements. With regard to works agreements, the report states that the principles defined in *Part I* are applied by section 50 of the Works Constitution Act.

The degree to which the authorities are responsible for supervising the application of the legal provisions, and the methods by which the employers' and workers' organisations are called upon to co-operate in this application, are shown in the provisions described in the preceding paragraphs.

No new provisions are necessary to give effect to the Recommendation, nor is it necessary to amend the existing legislation for this purpose.

#### *Greece.*

Act No. 3239 of 20 May 1955 respecting the settlement of collective labour disputes, to establish a National Advisory Council on Social Policy, and to amend and supplement certain labour laws.

Collective bargaining machinery has existed for many years in Greece. Act No. 3239, which repealed the Act of 1935 respecting collective labour disputes, lays down a new procedure of free negotiation which has already been put into application.

*Part II of the Recommendation.* Act No. 3239 provides (section 2) that collective agreements shall be concluded between an organisation or



organisations of employers, on the one hand, and an organisation or organisations of workers, on the other hand, and that it shall fix the conditions to be included in contracts of employment signed by persons who are bound by the collective agreements. The report points out that there is thus a difference between the provisions of the national legislation and the Recommendation, since in Greece a collective agreement may not be concluded between an employer and his employees.

*Part III.* Section 3 of the Act, which is in conformity with this Part of the Recommendation, provides that an individual contract of employment signed by a person bound by a collective agreement is deemed to include *ipso jure* the terms laid down in the collective agreement; any provision to the contrary is null and void. The Act also provides that the terms of any individual contract which are more favourable to the employee than those established in the collective agreement shall prevail.

In conformity with section 5 (3) of the Act, collective agreements approved by the Minister of Labour become binding on all employers and workers in the trade in question.

*Part IV.* The extension of collective agreements is provided for under Greek legislation. Thus any collective agreement which binds the employers of three-fifths of the workers in the trade for which the agreement is effective may be declared binding on all employers and employees in the district by a decision of the Minister of Labour published in the Official Journal, after consultation with the National Social Policy Advisory Council.

The scope of a collective agreement is fixed by the text of the agreement in question; in cases where the area to which it is to apply is not specified, the agreement is deemed to be binding on the contracting parties within the district of the Court of the Justice of the Peace in which the agreement was signed.

*Part V.* The interpretation of a collective agreement is incumbent on the tribunals which are responsible for interpreting laws in general. However, the Act lays down the manner in which the contracting parties may defend their trade interests and provides for penalties in cases where there has been a breach of the provisions of a collective agreement. The competent service of the Ministry of Labour may advise and supply interpretations (these are not compulsory in character) on any question relating to the application of collective agreements.

*Part VI.* There is no special provision in the Act relating to the supervision of the application of collective agreements, but the parties concerned are naturally entitled to supervise the manner in which any agreement by which they are bound is applied.

*Part VII.* Act No. 3239 provides that the text of a collective agreement must be filed by the parties with the Labour Directorate of the Ministry of Labour. These texts are published by the Minister of Labour in the Official Journal.

The Government states that the Greek legislation relating to collective agreements applies all the principles laid down in the Recommendation.

## Hungary.

Labour Code of 31 January 1951 (*L.S.* 1951—Hun. 1), amended by Legislative Decree No. 25 of 1953. Decree No. 53/1953 of the Council of Ministers issuing regulations to give effect to the Labour Code.

The report reproduces the text of paragraphs 7 to 9 of the Labour Code relating to works collective agreements (see under Convention No. 98). The collective agreement is compulsorily binding on the undertaking and on the workers. The agreements are concluded for a period of one year.

The Government states that the provisions of the Recommendation are applied in Hungary.

## Iceland.

Trade Unions and Labour Disputes Act, No. 80 of 1938.

The Act, which relates to the subject matter of the Recommendation, deals with the rights of trade unions, their agreements with employers, strikes and lockouts, the conciliation machinery and the Labour Disputes Court.

The country is divided into four conciliation districts, in each of which there is a mediator, with another one to act in emergencies. When labour disputes occur these mediators conduct the conciliation proceedings. In the case of a particularly serious dispute the Minister may appoint a special Conciliation Board. Trade unions and employers regularly supply the state mediator and district mediators with copies of their wage tariffs and agreements as soon as these have been approved.

If there is no prospect of the parties concerned being able to settle their differences the mediator may assume control of the negotiations. In the event of his failure to bring about a settlement he may propose an agreement, and his motion shall be submitted to the vote of the organisations concerned. A mediator who has found it impossible to achieve a settlement and has consequently ceased his endeavours to do so shall resume them at the request of any of the parties, provided that he considers that a useful purpose will be served.

Trade unions are legally entitled to negotiate collectively for their members, the latter being under an obligation to abide by the terms agreed to by their unions. All agreements between trade unions and employers are made in writing and should indicate the term for which the agreement is to be operative and the term of notice; in the absence of any specific indication the agreement is deemed to be for 12 months, subject to three months' notice. Agreements between individual workers and their employers shall be null and void in so far as they clash with agreements between the trade union and the employer. The terms of all collective agreements are minimum terms; it is thus always permissible to negotiate for better terms than those of the agreement.

The trade unions see to it themselves that the terms of a collective agreement are maintained and that the rights of the workers are not violated. In virtue of the above-mentioned Act, two representatives may be appointed to supervise the application of the collective agreement in each work centre where not less than five persons are employed.

A special court, having jurisdiction over the whole country, tries cases arising from infringe-

ments of employment agreements or disputes as to the interpretation of the terms of an employment agreement or its validity. The court consists of five members, one of whom is appointed by the Federation of Labour and one by the Federation of Employers.

The Government does not contemplate amending the legislation with a view to bringing it into greater conformity with the provision of the Recommendation.

#### *Indonesia.*

Law No. 21 of 12 June 1954 respecting collective agreements.

Government Order No. 49 of 1954, respecting the conclusion of collective agreements.

The Labour Relations Board under the Ministry of Labour is entrusted with the application of the above-mentioned Law and Order.

The Government states that only workers' organisations enjoy the right to conclude collective agreements.

Law No. 21 contains a number of provisions relating to the subject matter of the Recommendation. Thus, for example, section 1 of the Law defines collective agreements as all agreements concluded between a workers' organisation or a group of workers' organisations registered by the Ministry of Labour, on the one hand, and an employer, a group of employers or a legal employers' organisation, on the other hand. Section 3 provides that workers' or employers' organisations which are parties to a collective agreement are obliged to inform their members of the contents of the agreement; this obligation also exists in the case of modifications or extensions of agreements.

Section 6 of the Law lays down that members of a workers' or employers' organisation having concluded a collective agreement are bound by the said agreement and responsible for its application. According to section 9 any stipulation in a contract of employment which is contrary to a collective agreement is null and void and is replaced by the relevant provisions of the collective agreement. Section 10 provides that in cases where the contracts of employment do not reproduce the provisions of the collective agreement the latter provisions shall be applicable.

Under section 11 of the Law the Minister of Labour may, after consulting the parties concerned, decide whether an employer bound by collective agreement should comply with all or part of the provisions set out in the agreement in question when concluding a contract of employment with a worker not bound by the agreement. Moreover the Minister may, after consulting the parties, decide whether the provisions of a collective agreement should be rendered applicable to work in the same branch by employers and workers not bound by the agreement.

Sections 13, 14 and 15 contain provisions relating to compensation for breaches of a collective agreement. Under section 16 a collective agreement may not be concluded for a period of more than two years and may not be extended for more than one further year. It is provided in section 18 that if the duration of the agreement is not stated in it, it shall not remain in force for more than one year.

Government Order No. 49 provides, in section 5, that copies of collective agreements must be sent to the Ministry of Labour for registration.

#### *Ireland.*

Industrial Relations Act, 1946 (L.S. 1946—Ire. 1).

In general, collective agreements regarding wages and other conditions of employment are negotiated directly between organisations of workers and of employers without the intervention of the State and without recourse to any formal conciliation and arbitration machinery. The assistance of the labour court (which consists of a chairman, two employers' members and two workers' members) is available in accordance with the provisions of the above-mentioned Act and may be divided into two parts:

(1) Assistance given to the parties towards the conclusion of agreements.

The primary function of the labour court is to secure the settlement of trade disputes either by conciliation or by a non-binding recommendation. In either event the ultimate settlement of the dispute is a matter for agreement between the parties; no distinction is made in such disputes between written and unwritten agreements. The court also assists in the promotion of collective agreements by providing an independent chairman and supplying all necessary accommodation and secretarial assistance to aid joint industrial councils. These councils, which represent employers and workers in different industries, regulate wages and conditions of employment by agreement. These collective agreements have no other force than that attaching to them as contracts between the parties.

(2) Registration of employment agreements.

Collective agreements are registered by the court, on application by the parties, provided that they meet the requirements set out in section 27 of the Act, which lays down, *inter alia*, that the parties should be substantially representative of the workers and employers concerned and that the agreement should make provision for the settlement by negotiation of disputes between the parties. The effect of registration is twofold: on registration an agreement applies to all workers who are stated in its provisions to be covered, and to their employers irrespective of whether such workers and employers were themselves party to the agreement, and such registration confers on all such workers a contractual right to wages and conditions of employment not less favourable than those provided for in the agreement.

Under the Act the court is empowered to give at any time its decision on any question concerning the interpretation of a registered employment agreement or its application to a particular person.

Trade unions affected by registered agreements may complain to the labour court concerning non-observance of an agreement and the court may order compliance with the agreement.

As regards collective agreements negotiated directly between organisations of workers and employers, there is no supervision other than the vigilance exercised by a trade union. In the

case of registered agreements the labour court is entrusted with their supervision. Anyone contravening the provisions of the Industrial Relations Act may be prosecuted by the Minister for Industry and Commerce.

The requirements of the Recommendation are fully complied with in spirit. As the present arrangements for the conclusion of collective agreements have worked satisfactorily, it is not proposed to alter them in order to give effect to the detailed provisions of the Recommendation which are not observed.

As regards *Paragraph 3 (1) of the Recommendation*, registered collective agreements only are legally binding, and it is not considered advisable to give binding force to unregistered agreements. As regards *Paragraph 8 (a)*, employers bound by collective agreements are not statutorily required to make known the terms of their employment agreements. This is not considered necessary since the labour court has power to publish announcements regarding the registration of such agreements and to state their terms if it thinks fit. It is not deemed advisable to make any alterations in this arrangement.

#### *Israel.*

There is, so far, no legislation in Israel dealing with collective agreements, but the majority of workers are covered by such agreements, which are negotiated by individual employers or employers' organisations with workers' organisations.

In practice the collective agreement constitutes also the individual labour contract but it is doubtful whether a worker can claim under such agreement in law, except on the basis of "implied contract". Cases of applying to the courts for enforcing labour contracts based on a collective agreement are rare, as the machinery set up under the collective agreements serves the purpose.

The Labour Relations Department of the Ministry of Labour serves as conciliator if this is agreed upon by the parties, or as arbitrator in cases of disputes connected with the negotiation, conclusion, revision and renewal of collective agreements. Disputes as to the interpretation of agreements are usually settled by machinery provided for in the agreements.

A Bill on collective agreements and a Bill on conciliation and arbitration will be laid before Parliament in the next session, giving effect to the main provisions of the Recommendation.

#### *Italy.*

Constitution of the Italian Republic, dated 22 December 1947, sections 39 and 40 (*L.S.* 1947—It. 5). Civil Code, section 36.

Legislative Decree No. 369 of 23 November 1944 respecting the dissolution of the Fascist organisations and the liquidation of their assets.

Act No. 264 of 29 April 1949 respecting the employment of the involuntarily unemployed and the assistance to be given them, section 14.

Since the suppression, under Legislative Decree No. 369 of the former trade union system, there is no longer any legislation in Italy with regard to trade unions. The existing organisa-

tions are subject to common law in the same way as the other associations which have no official status. The basic principle on the question is contained in section 36 of the Civil Code, which provides that the internal administration of associations shall be organised by agreement among their members.

The Constitution has nevertheless determined the principles of a new trade union system in its sections 39 and 40, and the trade union legislation which will be responsible for giving effect to these sections will have decisive importance in this connection. The present system of collective agreements is therefore passing through a transitional period.

The scope of collective agreements is restricted to members of the organisations which are parties to the agreement in accordance with private law.

The definition of a collective agreement is the same as the one given in *Paragraph 2 of the Recommendation*.

In agreement with the provisions of *Paragraph 3*, individual labour contracts concluded between workers and employers belonging to organisations which have concluded a collective agreement may not include provisions contrary to those which figure in the collective agreement, the personal interests of the individual having to give way to the collective interests of the occupational group of which the individual is a member. From this stipulation it results that the provisions of a labour contract which would be contrary to those of a collective agreement are null and void, but the contract itself remains valid, the clauses of the collective agreement merely being substituted for those which have been annulled. The provisions in the labour contracts which are more favourable to the workers remain completely valid and applicable.

With regard to the extension of collective agreements, section 39 of the Italian Constitution lays down that "registered trade unions shall have legal personality. They shall have power (each being represented in proportion to its membership) to conclude collective employment agreements with binding force on all persons belonging to the categories to which the agreement relates." The general validity of the collective agreement, which, under the previous system, was ensured by the fact that only one organisation for each category was empowered to conclude the agreement (section 10 of Act No. 563 of 3 April 1926), is assured in the new system provided by the Constitution by combining freedom of association and the plurality of the trade unions with the binding character of the collective agreement for all the employers and all the workers of a specified category. If a collective agreement is concluded by a joint delegation representing the majority of the members of the signatory organisations, it is binding, as from the date of its publication, on all persons who belong to the category covered by it. The trade union legislation will have to lay down the procedure for constituting delegations and for their discussions; it will be established in the light of the Recommendation, and will deal with the settlement of disputes concerning the interpretation of collective agreements and with the supervision of their enforcement. The same observation applies in regard to the different measures appearing in *Part VII*.

With regard to the extension of collective agreements, it should be mentioned that, apart from the question of membership of a signatory organisation, there are two texts which are of considerable importance in this connection.

Section 43 of Legislative Decree No. 369 respecting the dissolution of the Fascist organisations and the liquidation of their assets provides that individual or collective employment relations will continue to be regulated, subject to later amendments, by the provisions contained in collective agreements, economic agreements, awards of labour courts and the rules relating to corporative organisations contained in Act No. 563, Act No. 163 of 5 February 1934 and Legislative Decree No. 721 of 9 August 1943. Consequently, all the collective agreements concluded by the organisations which have been dissolved remain in force.

Section 14 of Act No. 264 provides that, when responding to the employers' demands for labour, the employment offices must make sure that the conditions offered to the newly engaged workers are in conformity with the existing wage scales and with the collective agreements.

The authorities responsible for the enforcement of the national legislation are the labour inspectors, the labour and maximum employment offices, the trade unions and the works committees.

All the questions with which the Recommendation deals will form the subject of the new legislation respecting trade unions, which will certainly take into account the standards established by the Recommendation.

#### Japan.

Constitution of Japan, dated 3 May 1947.

Labour Relations Adjustment Law, No. 25 of 26 September 1946 (*L.S.* 1946—Jap. 1).

Public Corporation and National Enterprise Labour Relations Law, No. 257 of 1948.

Trade Union Law, No. 174 of 1 June 1949 (*L.S.* 1949—Jap. 3).

Local Public Enterprise Labour Relations Law, No. 289 of 1952.

*Part I of the Recommendation.* The Constitution guarantees the right to bargain collectively. Under section 7 of the Trade Union Law an employer may not refuse to bargain collectively. If he does refuse, he may be ordered to comply by a Labour Relations Commission (section 27). If the parties cannot agree, they may be assisted by the Commission through the procedures of conciliation, mediation or arbitration laid down in the Labour Relations Adjustment Law.

Law No. 257 which covers public corporations (the Japanese National Railways, the Nippon Telegraph and Telephone Public Corporation and the Japan Monopoly Public Corporation) and the national enterprises (postal service, forest and public land administration, printing services, mintage, and alcohol monopoly) provides for the determination every year of the units appropriate for collective bargaining after consultation of the parties concerned and for which agents for collective bargaining are selected to conduct the negotiations. The agent representing all the employees in the unit is designated by the trade union to which these employees belong. In the case of public corporations and similar bodies, Public Corporations and National Enterprise Mediation or

Arbitration Commissions may direct these bodies to accept collective bargaining and may undertake conciliation, mediation or arbitration functions (sections 20 to 37 of Law No. 257).

*Part II.* Section 14 of Law No. 174 provides that "a trade agreement between a trade union and an employer or employers' organisation concerning conditions of work and other matters shall take effect when the agreement is put into writing and signed by both of the parties concerned".

A company union, i.e. a workers' organisation dominated by or financed by an employer, is not recognised by section 2 of the Law as a trade union.

*Part III.* A trade agreement binds the signatories thereto and those on whose behalf the agreement is concluded.

Under section 16 of Law No. 257 and section 10 of Law No. 289, trade agreements involving the expenditure of funds not available from the budget approved by the National Diet or Local Diet will not bind the National Government or the local public body concerned until the National Diet or the Local Diet has approved the agreement.

Any provision of an individual labour contract contrary to the standards provided for in a trade agreement shall be void and replaced by the corresponding provisions of the agreement (section 16 of Law No. 174). Provisions in contracts of employment more favourable to the workers than those prescribed by a trade agreement are rarely regarded as contrary to such agreements.

When three-fourths or more of the workers of the same kind normally employed in a factory or other working place come under the application of one trade agreement, the remaining workers of similar kind employed in the same factory or other working place shall *ipso facto* be bound by the same agreement (section 17). Although this provision establishes a numerical condition the intent of Paragraph 4 of the Recommendation is observed.

*Part IV.* Law No. 174 lays down that—

"When a majority of the workers of the same kind in a certain locality come under the application of one trade agreement, the Labour Minister or the Prefectural Governor may, at the request of either one or both of the parties concerned with the said trade agreement and in accordance with a resolution of the Labour Relations Commission, take a decision to extend the compulsory application of the trade agreement, including the part revised under the provisions of paragraph (2) to all the remaining workers of the same kind employed in the same locality and their employers.

"If the Labour Relations Commission deems, in making a resolution under the preceding paragraph, that the trade agreement in question contains inappropriate provisions, the Commission may amend these provisions.

"The resolution referred to in paragraph (1) shall become effective by public notification" (section 18).

The Law contains no provisions for extension of the trade agreement by industry.

The provisions for the extension of trade agreements do not apply to public corporations and national and local public enterprises.

*Part V.* Disputes arising out of the interpretation of a trade agreement are submitted generally to the grievance machinery established therein.

Such grievance machinery must be established in public corporations, national enterprises or local public enterprises (section 19 of Law No. 257 ; section 13 of Law No. 289).

Such disputes may also be submitted to the procedures for adjustment by Labour Relations Commissions or by the Public Corporation and National Enterprise Mediation and Arbitration Commissions. Not a few agreements provide that such disputes should be submitted to the Labour Relations Commissions for adjustment.

In addition, section 33 of Law No. 257 provides for arbitration in the case of disputes arising out of the interpretation of the terms of a collective bargaining contract.

Finally, disputes arising out of interpretation of trade agreements concerning rights and obligations may be submitted to the civil courts on complaint of the party concerned.

*Part VI.* The supervision of the application of collective agreements is ensured first by the parties and those bound by it ; a suit may be brought against a party which fails to discharge its obligation under the agreement.

*Part VII.* The national law makes no provision for the points dealt with in *Paragraph 8 (a) and (b) of the Recommendation*. Law No. 174 provides that the period of validity of an agreement may not be fixed at more than three years and that where the period is undefined the agreement may be rescinded by giving 90 days' notice (section 15). The same rule applies where an agreement for a definite term contains a provision that it shall remain in effect after the expiration of the said term but does not state the period during which it shall continue in force.

The Minister of Labour is responsible for the enforcement of the Law No. 174, Law No. 25, Law No. 257 and Law No. 289. For this purpose the Labour Policy Bureau has been established in the Ministry of Labour.

The Labour Relations Commissions, which perform important functions as indicated above, are established on the national and prefectural levels and are each composed of equal numbers (seven or five) of members representing workers, employers and the public interest respectively. The Public Corporation and National Enterprise Mediation Commission and the Public Corporation and National Enterprise Arbitration Commission each consists of equal numbers (three) of members representing the public corporation and national enterprise, the employees and the public interest. Most prefectures have established labour education councils, in which workers' and employers' organisations are represented, to promote labour education, including matters concerning trade agreements. Thus workers' and employers' organisations have frequently and positively participated in the governmental organisation concerning collective bargaining and trade agreements.

The Government does not consider it necessary at this time to take any further special measures for the implementation of the Recommendation.

It is considered that the national legislation now in force conforms to the intentions and provisions of the Recommendation.

However, as regards persons employed in the national or local public bodies, it is not considered appropriate that this Recommendation should be applied to them without modification.

#### *Luxembourg.*

Grand-Ducal Order of 6 October 1945 to establish the powers and the operation of a National Conciliation Office.

The report refers to the information supplied in the report on Convention No. 98. The existing collective agreements cover about 90 per cent. of the industrial workers and a large proportion of the handicraft workers. Most of these collective agreements were declared generally compulsory by the Government under the provisions of the Grand-Ducal Order of 6 October 1945.

On 25 April 1955 the Minister of Labour reported to the Government in Council a Bill respecting collective labour agreements and trade union organisations. This Bill aims at the enactment of legislation which will determine the minimum obligations to be assumed by the contracting parties in regard to general employment conditions and wage grades, taking into account the skills of the wage earners ; it is also designed to give the trade unions a legal ordinance which will secure for them, *inter alia*, the benefit of incorporation.

#### *Netherlands.*

Act of 24 December 1927 to issue detailed regulations respecting collective agreements (L.S. 1927—Neth. 2).

Act of 25 May 1937 to provide for the declaration of provisions of collective agreements as generally binding or as not binding (L.S. 1937—Neth. 3).

Extraordinary (Employment Relations) Decree of 1945 (L.S. 1945—Neth. 1).

*Part I of the Recommendation.* The Act respecting collective agreements establishes a certain number of rules with regard to procedure. Individual employers or associations of employers, of the one part, and associations of workers, of the other part, are competent to conclude a collective agreement. These associations must be incorporated and their rules must expressly authorise them to conclude collective agreements. Every collective agreement, and every amendment to it or renewal of it, must be made by means of a document which is authenticated or under seal, and the association concerned must communicate the text of the agreement to its members as soon as possible.

If the date on which the collective agreement is to come into operation is not fixed in the agreement itself, it shall come into operation on the fifteenth day after the date on which it was concluded. The maximum period of its operation is five years, unless it is renewed. If it is concluded for a fixed period, unless it contains a provision to the contrary it is deemed to be prolonged for not more than a year at a time in default of denunciation ; the period of notice is one-twelfth of the period for which the agreement was originally concluded, unless it contains a provision to the contrary. If the period is not fixed in the agreement itself, it is deemed to have been concluded for one year

subject to prolongation from year to year unless it is denounced not less than one month before the end of the year. Notice to terminate a collective agreement must be communicated to all the parties to the agreement.

Under the Extraordinary Decree of 1945, new collective agreements and modifications of existing collective agreements require approval in writing from the Board of Government Conciliators, which must also be informed of any negotiations for or renewal of a collective agreement. The Board is composed of a certain number of specialists on questions concerning wages and other conditions of employment, appointed and suspended or removed by the Minister of Social Affairs and Public Health, without, however, having the status of public servants. The Board is responsible for putting into effect wages policy under general directions from the Ministry of Social Affairs and Public Health. The Board also has the duty of approving collective agreements and declaring their provisions as generally binding or as not binding, of establishing, either *ex officio* or at the request of the employers' and employees' organisations concerned, binding rules in relation to wages and other conditions of employment and of granting exemptions if necessary.

*Part II.* The definition of a collective agreement contained in Netherlands legislation is completely in agreement with the definition given in the Recommendation.

*Part III.* According to the provisions of the Netherlands Civil Code, any contract legally concluded is legally binding on the parties concerned. The signatories of a collective agreement are thus bound by the agreement. Furthermore, the members of an association which has signed a collective agreement are themselves bound by this agreement as if they were personally engaged, and they remain bound even after they have ceased to be members of the association until the agreement is renewed, if renewal takes place.

Any clause contrary to the provisions of a collective agreement is null and is replaced by the provisions of the collective agreement.

Under the Extraordinary Decree of 1945 a labour contract may not contain provisions more favourable for the workers than those contained in the collective agreement, and penalties may be imposed for any infringement of this prohibition.

Unless the collective agreement provides otherwise, every employer bound by it is also bound to apply identical employment conditions to the workers who are not covered by the collective agreement.

*Part IV.* This part of the Recommendation corresponds to the national legislation of the Netherlands. According to the Act of 25 May 1937 and the Extraordinary Decree of 1945, the Board of Government Conciliators may declare applicable throughout the country or in all undertakings in one part of the country the provisions of collective agreements which apply, throughout the country or in a part of it, to a majority—which the Board considers sufficiently large—of the workers employed in one branch of industry. The provisions thus declared binding are then applicable to all the contracts of employment which, in view of the

nature of the work to which they relate, should be covered by the collective agreement. The extension is usually not valid for more than two years, and is not made unless the works council or, in the absence of a works council, one or more employers or associations parties to the collective agreement, request it. The request must be addressed to the Board of Government Conciliators and published in the *Nederlandse Staatscourant* in order to allow the employers and workers to make known any objections they may have.

*Part V.* A considerable number of collective agreements have established an arbitration system. Where a dispute is submitted for decision to a civil judge the judge is also empowered to attempt to bring about a settlement between the parties to the dispute.

*Part VI.* If one of the parties to a collective agreement fails to discharge its obligations under the agreement the other party may claim for the loss incurred not only by itself but also by its members.

A national service responsible for supervising the application of collective agreements has been set up under the directed policy of wages.

*Part VII.* As a general rule the employers give the workers adequate information as to the contents of collective agreements, and the workers' organisations concerned do the same. Ten copies of the collective agreements must be sent to the Government Board of Conciliators for purposes of approval.

The enforcement of the relevant legislation is the duty of the Minister of Social Affairs and Public Health, the Government Board of Conciliators and the service for the supervision of wages. Before approving a collective agreement or taking measures for its extension, the Government Board of Conciliators must obtain the opinion of the Institute of Labour, a centre for consultations—entirely voluntary—between the national central organisations of employers and workers. The Board may also invite other organisations of employers and workers to give their advice in appropriate cases.

#### *New Zealand.*

Trade Unions Act, 1908.

Labour Disputes Investigation Act, 1913.

Government Service Tribunal Act, 1948, and amendments.

Government Railway Act, 1949.

Industrial Conciliation and Arbitration Act, 1954.

*Paragraph 1 of the Recommendation.* Section 53 of the Industrial Conciliation and Arbitration Act sets out the societies which may be registered under the Act. Sections 103 to 108, 129 and 130 deal with the procedure for negotiating industrial agreements. The Labour Disputes Investigation Act provides an alternative procedure for the settlement of industrial disputes and the making of collective agreements applicable in cases where the Industrial Conciliation and Arbitration Act does not apply. The Government Service Tribunal Act, 1948, as amended, and the Government Railways Act provide for a special conciliation procedure.

*Paragraph 2.* According to the Industrial Conciliation and Arbitration Act the parties to industrial agreements shall in every case be



industrial unions or industrial associations or employers; any such agreement may provide for anything relating to an industrial matter or for the prevention or settlement of an industrial dispute. The Labour Disputes Investigation Act deals with agreements other than an industrial agreement under the Industrial Conciliation and Arbitration Act. Orders of the Government Service Tribunal may be agreements, though orders in form.

Owing to the strength of the trade union movement in New Zealand there is no possibility of workers' unions being subject to employer domination, whether directly or indirectly.

*Paragraph 3.* The Industrial Conciliation and Arbitration Act provides that every industrial agreement is binding on the parties thereto and also on every member of any union or association which is a party thereto. The Labour Disputes Act provides that voluntary agreements shall specify the parties upon whom the agreement is binding. The Government Service Tribunal Act prescribes that every order made by the Tribunal is binding on the Crown and on every employee concerned.

The Industrial Conciliation and Arbitration Act lays down that every award or industrial agreement (being backed by statute) shall prevail over any contract of service or apprenticeship (being backed by common law) as far as there is any inconsistency.

Legislative measures ensure the effective observance of the provisions of collective agreements.

*Paragraph 4.* The Government Service Tribunal Act and the Government Railways Act provide that all employees shall be covered by orders of the Tribunal whether or not they are members of a service organisation.

*Paragraph 5.* Under the Industrial Conciliation and Arbitration Act an industrial agreement which is binding on employers who employ the majority of the workers engaged in the industry to which it relates and in the district in which it was made may be extended on the application of one of the parties to all employers in that industry and district; such an agreement may also be declared by the Court of Arbitration to be an award. It is also possible under this Act of the Court to incorporate in an award the terms of the settlement of an industrial dispute. Under the terms of this Act any award binds every worker who is employed by an employer on whom the award is binding. Similarly, an award is binding on any union or association which or employer who subsequently becomes connected with or engaged in the industry to which the award applies.

All wage rates in New Zealand are subject to regulation in one form or another. The great majority of the workers are organised and provision for collective agreements exists in all adequately organised fields. Consequently, there is little scope for further general extension.

*Paragraph 6.* The Industrial Conciliation and Arbitration Act provides that the Court of Arbitration may advise on any question connected with the construction of an award or industrial agreement. A copy of the rules made by the Court in respect of applications for inter-

pretations of awards and industrial agreements was attached to the Government's report. The provisions of the Industrial Conciliation and Arbitration Act merely provide a model code for the settlement of disputes or differences on any matter arising out of or connected with agreements but not specifically dealt with therein. They may or may not be included in agreements, and other provisions may be made in an industrial agreement relating to the settlement of disputes. In practice the method for settling disputes varies from agreement to agreement.

The Labour Disputes Investigation Act contains provisions for dealing with breaches of voluntary agreements. Agreements made under this Act generally contain a clause providing for the method of settling any disputes.

The Government Service Tribunal Act and the Government Railways Act provide that the Tribunal may during the currency of any principal order make orders to interpret the provisions of that order or of any order amending it.

*Paragraph 7.* Under the Industrial Conciliation and Arbitration Act factory inspectors and inspectors of mines appointed under the relevant Acts shall be inspectors of awards and responsible for ensuring that the provisions of agreements, awards or orders are duly observed. In the case of workers in the public service, etc., supervision in general is unnecessary, owing to the nature of the parties.

*Paragraph 8.* The Industrial Conciliation and Arbitration Act provides that employers bound by an award or industrial agreement must keep a copy of the text in question where it can be seen by or made available to the workers. Orders made by the Government Service Tribunal are published in the *Gazette* or sent to every controlling authority and service organisation.

The Industrial Conciliation and Arbitration Act provides that a duplicate of every industrial agreement must be filed with the appropriate authority. The Labour Disputes Investigation Act provides that copies of agreements may be filed by any party with the appropriate authority.

The Industrial Conciliation and Arbitration Act lays down that an industrial agreement shall normally continue in force until superseded by another or by an award of the Court. In the case of voluntary agreements, under the Labour Disputes Investigation Act the time during which the agreement shall remain in force must be specified in the agreement. Principal orders under the Government Service Tribunal Act may not be revoked until they have been in force for at least one year.

The Government states that it has accepted the Recommendation and takes its principles into account.

As regards agricultural workers, the report mentions that minimum rates of wages are not determined by collective agreements but by orders made under the Agricultural Workers' Act, 1936. Before being issued such orders are submitted to existing workers' or employers' organisations. Provision is also made for joint conciliation with workers and employers where matters of dispute or interpretation arise.

*Norway.*

Act of 5 May 1927 respecting labour disputes (*L.S.* 1927—Nor. 1), as amended by the Acts of 19 June 1931 (*L.S.* 1931—Nor. 1), 6 July 1933 (*L.S.* 1933—Nor. 2), 26 June 1934 (*L.S.* 1934—Nor. 1), 29 March 1935 (*L.S.* 1935—Nor. 1), 28 May 1937 (*L.S.* 1949—Nor. 5B), 12 December 1947 (*L.S.* 1949—Nor. 5C), and 28 July 1949 (*L.S.* 1949—Nor. 5A).

Act of 19 December 1952 respecting wages committees in labour disputes (*L.S.* 1952—Nor. 3).

The above-mentioned legislation is supplemented by arrangements between the parties. The report refers in particular to the Basic Agreement of 1954, a copy of which was appended to the report.

*Paragraph 1 of the Recommendation.* The industrial organisations, in particular the Employers' Confederation and the General Confederation of Trade Unions, have established negotiation machinery for the conclusion, revision and renewal of collective agreements. Under the Act respecting labour disputes, the Government has developed conciliation machinery which comes into operation when direct negotiation proves inadequate; under the Act respecting wages committees in labour disputes, the Government has placed an organ of arbitration (the wage committee) at the disposal of the parties should they require it.

The public conciliation machinery and the voluntary wage committee system fully satisfy the requirements of the Recommendation respecting the establishment of public machinery to assist in the conclusion of collective agreements.

*Paragraph 2.* The definition of "collective agreements" in the Recommendation is not fully in accordance with the definition in the Act respecting labour disputes (section 1, paragraph 8). The Recommendation requires that there should be one or more *representative* workers' organisations, while under the Act no more than two workers are required for the formation of a trade union and the conclusion of a collective agreement. Moreover, the national legislation does not recognise collective agreements concluded with representatives of the workers instead of trade unions.

*Paragraph 3.* The national legislation is in conformity with this Paragraph, but subparagraph (3) of the Recommendation may give the impression of being at variance with the national provisions. Thus, the awards of the labour court and section 3 of the Act respecting labour disputes provide that every provision in a contract of employment made between a worker and an employer bound by a collective agreement which is at variance with the collective agreement in question shall be null and void even if the provision is more favourable than that prescribed by the agreement. However, the Government states that in the course of the preparatory work preceding the adoption of the Recommendation, the International Labour Office implied (on p. 55 of Report V (2), *Industrial Relations*, prepared for the 34th Session of the Conference (1951)), that the Recommendation should not provide an obstacle for such a system.

*Paragraph 4.* The Norwegian practice is in conformity with this provision of the Recommendation.

*Paragraph 5.* Provisions of the nature of those contained in this Paragraph are unknown in Norway.

*Paragraph 6.* All disputes concerning the interpretation of a collective agreement (legal disputes) are settled, without stoppage of work, by means of negotiation or by the labour court established by the Government.

*Paragraph 7.* In accordance with the text of the Recommendation supervision of the application of collective agreements is entrusted to the employers' and workers' organisations which are parties to the agreement.

*Paragraph 8.* Section 3 of the Act respecting labour disputes provides that all collective agreements shall be communicated to the National Conciliation Officer. This section also contains provisions relating to the period of validity of collective agreements when this is not stipulated in the agreements themselves.

The Ministry of Local Government and Labour is entrusted with the supervision of the application of the legislation referred to above (see also under Paragraph 7).

The arrangements relating to the matters dealt with in the Recommendation function satisfactorily. No modifications are contemplated.

In a letter forwarded after the report the Government states that the Norwegian Employers' Confederation and the General Confederation of Trade Unions in Norway indicated that they had no observations to make on the Government's report on this Recommendation.

*Pakistan.*

No legislative, administrative or other provisions exist at present in respect of the matters dealt with in the Recommendation. Amendment of the Industrial Disputes Act with a view to provisions for the matters dealt with in the Recommendation is under consideration. In the meantime collective agreements on a voluntary basis are being encouraged by the Government by means of advice given to employers' and workers' representatives through conciliation machinery and by government spokesmen at national tripartite conferences.

*Philippines.*

Act No. 875 of 17 June 1953 to promote industrial peace and for other purposes (*L.S.* 1953—Phi. 1).

Act No. 875 covers substantially the chief requirements of the Recommendation.

Section 18 provides that it shall be the duty of the Conciliation Service of the Department of Labor, in order to prevent or minimise labour disputes, to assist parties to labour conflicts in settling their disputes through conciliation and mediation. The Service acts on its own motion or at the request of one or more of the parties.

Section 16 provides that the parties to collective bargaining shall endeavour to include in the agreement provisions to ensure mutual observance of the terms and stipulations of the agreement and to establish machinery for the adjustment of grievances, including any question that may arise from the application or interpretation of the agreement.



Section 19 provides that the Conciliation Service of the Department of Labor should maintain a file of all available collective bargaining agreements and other available agreements settling or adjusting industrial disputes.

#### Sweden.

Act of 28 May 1920 respecting conciliation in labour disputes (L.S. 1920—Swe. 6-8), amended by the Acts of 12 June 1931 (L.S. 1931—Swe. 4), 28 June 1935 (L.S. 1935—Swe. 4), 11 September 1936 (L.S. 1936—Swe. 7A) and 27 April 1945.

Notification of 31 December 1920 to enact supplementary regulations respecting conciliation in labour disputes.

Act of 22 June 1928 respecting the labour court (L.S. 1928—Swe. 3), amended by the Acts of 27 April 1945, 21 March 1947 (L.S. 1947—Swe. 5A), and 10 July 1947 (L.S. 1947—Swe. 5B).

Act of 22 June 1928 (L.S. 1928—Swe. 2) respecting collective agreements, amended by the Act of 27 April 1945.

Act of 11 September 1936 (L.S. 1936—Swe. 8) respecting the right of association and the right of collective bargaining.

Basic Agreement of 1938 concluded between the Swedish Employers' Confederation and the Swedish Confederation of Trade Unions.

The agreements concluded between employers' and workers' organisations in Sweden have for many years contained rules respecting the negotiation of collective agreements, which are enforced in the event of disputes with regard to either the enforcement or interpretation of the agreements, or their negotiation, revision or extension. In 1938 the central organisations of employers and workers concluded a "basic agreement", a chapter of which prescribes the rules which the affiliated organisations are requested to follow in order to bring their negotiations to a successful issue.

The Act of 28 May 1920 respecting conciliation in labour disputes, as subsequently amended, provides that, if the parties to a dispute cannot reach agreement directly, an official conciliator may be appointed.

The Act of 22 June 1928, as subsequently amended, provides that, in the event of a dispute with regard to the interpretation or enforcement of a collective agreement in which the parties have not been able to reach agreement, one or other party may submit the dispute to the labour court.

The Act of 22 June 1928 respecting collective agreements, as amended, defines the nature and working of collective agreements.

The Act of 11 September 1936 respecting the right of association and the right of collective bargaining provided a special system of official conciliation and arbitration in the event of disputes involving on the part of the workers an organisation which has undertaken to refrain from hostile action, but this provision has no longer any real significance at the present time.

Further, since the enactment of the Act respecting the labour court, the provisions of the Act of 26 May 1920 respecting conciliation in labour disputes which provide for the appointment by the Crown of arbitrators who must be available for the parties with a view to settling the disputes which are referred to them, have become a dead letter.

The employers' and workers' organisations are responsible for the supervision of the enforcement of the provisions of collective agree-

ments. The labour court has to give rulings, *inter alia*, with regard to the interpretation and enforcement of the agreements. The court is composed of seven members, two of whom are appointed on the nomination of the workers and two on the nomination of the employers. The official members are appointed by the Crown or by the Social Welfare Committee. The employers and workers are usually consulted on the subject of these appointments, and account is taken so far as possible of their opinions.

Both law and practice in Sweden are entirely in agreement with the provisions of the Recommendation.

#### Switzerland.

Federal Constitution of the Swiss Confederation, section 34ter (1) (c) (adopted by popular vote on 6 July 1947).

Federal Code of Obligations of 30 March 1911, sections 322 and 323.

Federal decree dated 23 June 1943 enabling collective labour agreements to be made generally binding (L.S. 1943—Swi. 2).

Ordinance of the Federal Council dated 8 March 1949 implementing the above decree.

*Part I of the Recommendation.* Section 322 of the Code of Obligations states that "regulations governing working conditions may be drawn up by the employers and workers concerned in the form of contracts between the employers or their associations and the workers or their trade unions". There is no statutory provision that can be interpreted as implying recognition for any workers' organisation established, dominated or financed by the employers or their representatives.

*Part II.* A collective agreement is binding on its signatories and the persons on whose behalf it is concluded (i.e. the members of the contracting associations or of any *de facto* body).

Any contract of employment concluded between an employer and a worker who are covered by a collective agreement is null and void in so far as it conflicts with the latter and the clauses in question must conform to those in the agreement. Any provision for more favourable working conditions than those laid down in the collective agreement is perfectly valid unless it conflicts with the general provisions of the law.

The parties concerned are responsible for carrying out collective agreements.

A collective agreement is binding on the members of the contracting bodies only, although employers may be compelled to observe its terms even in dealing with workers who are not bound thereby. In practice employers often do so voluntarily.

*Part IV.* Under the federal decree of 23 June 1943 a collective agreement may be made binding on all employers and workers within the trade or area covered by the agreement. Such an extension is, however, subject to the following qualifications: generally speaking, the agreement must first cover the majority of employers and the majority of workers in the occupation concerned and in addition the majority of employers must employ the majority of workers in that occupation. However, where justified by special circumstances, the latter re-

quirement may be waived ; this is only done in very few cases, e.g. in dealing with workers in occupations which are extremely difficult to organise, such as workers in the hotel and catering trades, who often change their place of residence. An extension in the scope of the agreement may only be requested either by the parties to it or by any other occupational associations that would be affected by it. An extension cannot be granted until the text of the agreement has been published in the languages of the districts concerned. Any person whose interests are involved may oppose such an extension.

*Part V.* Many collective agreements contain an arbitration clause empowering a contractual body to give judgment in disputes arising out of the interpretation of the agreement. Clauses of this kind, however, may not be affected by any decision to extend the agreement, since employers and workers who are not affiliated to a contracting association remain subject to the federal Constitution which, in respect of personal disputes, prohibits the removal of a citizen from the jurisdiction of his usual court, i.e. the court at his place of residence.

Disputes arising out of the interpretation of a collective agreement are settled in accordance with the procedure laid down in each canton, which has sole power to legislate on this subject. A number of cantons have set up conciliation tribunals or have granted the communes power to do so. The procedure is shortened and is conducted orally, usually at no expense to the parties involved. Where such tribunals do not exist, the ordinary courts are called upon to give a ruling. However, federal legislation lays down, that whenever the dispute arises out of an agreement which has been extended, the courts shall use a shortened procedure. Collective disputes affecting more than one canton may be submitted to the Federal Conciliation Office which was set up under the Act of 12 February 1949 ; this may be done provided that direct negotiations have broken down and there is no joint contractual conciliation or arbitration body.

*Part VI.* The supervision of the application of collective agreements is at all times the sole responsibility of the contracting organisations, even in cases where the agreements are extended.

*Part VII.* Swiss legislation does not prescribe ways and means of informing the workers about the contents of ordinary collective agreements. It is left to the contracting parties to make the necessary arrangements, e.g. by circulating the agreement, either directly or through the employer, or by posting it up. Agreements whose scope has been extended are officially published, although the contracting parties also arrange for their circulation.

There is no obligation to register or file collective agreements, although the Federal Office for Industry, Arts and Crafts, and Labour has, with the voluntary assistance of the employers and the trade unions, published a collection of these agreements which is periodically brought up to date.

Unless replaced by another, a collective agreement may be denounced only after a lapse of one year and following six months' notice.

Responsibility for the application of the law belongs, in principle, to the ordinary courts (unless arbitration clauses exist); these courts intervene only at the request of the parties concerned.

The federal decree of 23 June 1943 is a provisional measure. It has already been renewed four times and is due to expire on 31 December 1956. Under section 34<sup>ter</sup> of the federal Constitution, the decree may be replaced by permanent legislation, and on 29 January 1954 the Federal Council sent a message to the Federal Assembly in support of a Bill dealing with collective labour agreements and the extension of their scope. The Parliamentary discussions on the question are still proceeding.

Swiss legislation does not recognise the system advocated in the Recommendation whereby the terms of a collective agreement should apply to all workers of the categories concerned employed in the undertakings covered by the collective agreement. There is no compulsory registration of collective agreements, except in a few cantons. These two points are not dealt with in the Bill of 29 January 1954.

The Federal Council, in its report to the Federal Assembly on 12 December 1952, which was duly communicated to the International Labour Office, took the view that Swiss practice was in line with the purpose of the Recommendation and that there was no call for any further measures. This view was shared by both Chambers.

The Federal Government has sole power to legislate on collective agreements and their extension. Nevertheless, decisions regarding the latter point are taken in some cases by the Federal Council and in others by the government of a canton, according to whether or not the agreement in question affects more than one canton. On the other hand, the validity of any decision taken by the canton is subject to approval by the Federal Council.

#### *Turkey.*

Code of Obligations, section 316.

Labour Code (Act No. 3008 of 8 June 1936), sections 82 and 83 (*L.S.* 1936—Turk. 2), as amended by Act No. 6298 of 1954.

There is no special legislation relating to the conclusion of collective agreements ; but nothing prevents their conclusion.

Section 316 of the Code of Obligations lays down that collective agreements may be concluded between employers or employers' organisations, on the one hand, and workers or workers' organisations, on the other. Similar provisions are laid down in the Labour Code, as amended.

A few collective agreements have been concluded under the above provisions.

The Ministry of Justice and the Ministry of Labour are entrusted with the application of the relevant legislation.

The report states that the Government is considering the possibility of bringing the collective agreements system into conformity with the principles laid down in the Recommendation.

#### *Ukraine.*

See under Convention No. 98.

*Union of South Africa.*

Industrial Conciliation Act of 14 May 1937 (*L.S.* 1937—*S.A.* 3).

Native Labour (Settlement of Disputes) Act, No. 48 of 5 October 1953.

Legislative provisions exist for most of the provisions of the Recommendation, but these do not apply in respect of workers covered by the Native Labour (Settlement of Disputes) Act, 1953. Under this Act either a regional committee or a central board appointed by the Minister of Labour negotiates for such workers whenever there is a dispute involving their conditions of employment or whenever their conditions are under consideration by an industrial council.

The Government refers, for much of the detail concerning the collective bargaining system in the Union, to a communication which it addressed to the Director-General of the International Labour Office in November 1952, stating that the information then given is still valid as the situation has not altered since 1952.

In that communication the following information was given :

*Part I of the Recommendation.* The Industrial Conciliation Act, 1937, provides for collective bargaining machinery of the kind indicated in this Part, as far as the non-Native population is concerned.

*Part II.* The definition of collective agreements is accepted in the Union.

*Part III.* Provision is made for collective agreements negotiated by representative groups of employees and workers to be given force of law. But parties to the agreements may approve derogations in certain cases in individual contracts, e.g. for aged or incapacitated workers. It is, however, the practice to extend the application of agreements to all employers and workers within the industry and area covered. The parties are then still bound by the decisions of the negotiating parties on questions of exemption. But non-parties bound through the extension of an agreement can appeal to the Minister against decisions of the negotiating parties refusing exemptions in their cases. There are also non-statutory "gentlemen's agreements", i.e. negotiated outside the Act, which are administered by the parties and which, unlike agreements within the Act, are not enforceable by criminal sanctions.

*Part IV.* Extension of collective agreements to non-parties is considered only when all the parties forming an industrial council so request. The representativeness of the parties must be substantial. Non-parties are not consulted.

*Part V.* When a collective agreement is given the force of law with criminal sanctions, the only appropriate agencies for interpretation are the courts.

*Part VI.* Collective agreements can only be enforced by inspection and the local practice is for the parties to select their own inspectors and to do their own supervision. State inspectors may be entitled to interfere should such action be considered necessary.

*Part VII.* The permissive requirements set out under this Part are met in practice as re-

gards collective agreements for which criminal sanctions are sought.

In the present report the Government adds that the Department of Labour is responsible for the administration of the Industrial Conciliation Act, but that the supervision of the majority of collective agreements is entrusted to joint councils formed by employers' and workers' organisations which have negotiated the agreements. Where no such councils exist the Department supervises any agreement which may be negotiated. All wage instruments are enforceable in the criminal courts.

It is not intended at present to take any measures to give effect to those provisions of the Recommendation not yet covered by national legislation.

*United Kingdom.*

Trade Union Act, 1871.

Conciliation Act, 1896.

Industrial Courts Act, 1919 (*L.S.* 1920—*G.B.* 1).

Cotton Manufacturing Industry (Temporary Provisions) Act, 1934 (*L.S.* 1934—*G.B.* 7).

Conditions of Employment and National Arbitration (Northern Ireland) Orders, 1940-45.

Fair Wages Resolution, 1946.

Industrial Disputes Order, 1951 (*L.S.* 1951—*U.K.* 4).

Collective agreements in the United Kingdom are matters for free negotiation between employers and workpeople. The Government makes every effort to encourage the development of joint voluntary machinery for the negotiation of such agreements, but in general these matters are not dealt with by legislation.

Under the general authority of the Conciliation Act, 1896, the Minister of Labour and National Service of Great Britain provides a national conciliation service to advise and help both sides of industry in the establishment and maintenance of joint voluntary negotiating machinery. The services of the Minister's conciliation officers are available to anyone asking for them, though there is no element of compulsion to use them. Similar services are provided in Northern Ireland by the Ministry of Labour and National Insurance.

Appropriate machinery is therefore provided to assist the parties in the negotiation, conclusion, revision and renewal of collective agreements as envisaged in *Paragraph 1 of the Recommendation*.

For the most part, however, the Recommendation deals with matters which are regarded as more properly the responsibility of employers and workpeople than of the Government. The terms, observance, interpretation and supervision of collective agreements are matters for the parties to them, and the enforcement of collective agreements as such is specifically excluded from the jurisdiction of the courts under section 4 of the Trade Union Act, 1871. This policy commands the support of both sides of industry. While, therefore, some of the provisions of the Recommendation, such as *Paragraphs 3 (1), 4 and 7*, embody principles which are generally accepted in the United Kingdom, the Government could not undertake an ultimate responsibility in these matters such as the Recommendation appears to envisage.

If differences arise in connection with collective agreements, the conciliation services of the Ministry of Labour are available to assist

in reaching a settlement. Facilities for arbitration are provided under the Conciliation Act, 1896, the Industrial Courts Act, 1919, the Industrial Disputes Order, 1951, and the Conditions of Employment and National Arbitration (Northern Ireland) Orders, 1940-45, but disputes are not referred to arbitration where voluntary machinery is available for their settlement and where full use has not been made of it.

There is no general provision for the extension of collective agreements, but a number of measures have been taken which tend towards such extension. The Industrial Disputes Order, 1951, permits a trade union or an employers' organisation to report an issue to the Minister of Labour for settlement. Such an issue, unless otherwise settled, must be referred by the Minister to the Industrial Disputes Tribunal. The Tribunal may require the employer to observe the recognised terms and conditions or such terms and conditions as it may determine to be not less favourable. Recognised terms and conditions are those which have been settled by machinery of negotiation or arbitration to which the parties are organisations of employers and trade unions representative respectively of substantial proportions of the employers and workers engaged in that trade or industry or section of trade or industry in that district. A substantially similar procedure is provided under the Conditions of Employment and National Arbitration (Northern Ireland) Orders, 1940-45.

A "fair wages clause" embodying the terms of the Fair Wages Resolution, passed by the House of Commons in 1946 and by the Northern Ireland House of Commons in 1947, is inserted in all contracts placed by government departments. It is the general practice for similar clauses to be included in contracts placed by local authorities and nationalised industries. The principle of the Fair Wages Resolution has been extended by legislation to several industries or public authorities which receive assistance by way of grant, loan, subsidy, guarantee or licence, e.g. the Road Traffic Act, 1930, the Bacon Industry Act, 1938, etc. The Cotton Manufacturing Industry (Temporary Provisions) Act, 1934, empowers the Minister of Labour to give statutory effect to agreed rates of wages in the weaving section of the cotton industry.

It is not intended to take any measures to give effect to those provisions of the Recommendation not yet covered by the national legislation or practice. No modifications have proved necessary other than those arising from the industrial relations policy described above, that is, for the most part, the provisions of the Recommendation are regarded as matters to be dealt with by the parties rather than by government action.

### *Uruguay.*

Act No. 9675 of 4 August 1937 respecting supervision of the application of collective agreements between employers and workers and the binding character of agreements entered into by the Construction League or its affiliated bodies.

Decree of 26 February 1943 establishing rules for the implementation of collective agreements concluded in accordance with Act No. 9675.

Act No. 10449 of 12 November 1943 to institute a system of wage boards.

Under section 1 of Act No. 9675 the enforcement of collective agreements is entrusted to the National Labour Institute and related services and to the Retirement Pensions Institute (retirement funds), which may punish violations with fines of from 100 to 500 pesos.

Section 2 of the Act provides that an agreement concluded by a majority within the Construction League or its affiliated bodies is binding on employers whether or not they are members of the League or its affiliated bodies, once a copy of the agreement has been lodged with the National Labour Institute. This means that collective agreements in the construction industry are extended to third persons, i.e. employers not actual parties to them.

Section 3 of the Act provides that workers on piece rates may not conclude contracts of employment which do not guarantee them a normal wage.

The Wage Boards Act of 1943 (No. 10449), while stating explicitly (section 36) that the provisions of Act No. 9675 remain in effect, establishes the exclusive competence of tripartite wage boards in wage matters. In practice this means that collective agreements may not provide lower wage rates than those laid down by the appropriate wage boards.

Under Act No. 9580 dated 7 August 1936 payment facilities are granted to workers in respect of their contributions to pension funds whenever their wages are increased by collective agreement. The laws and regulations concerning pensions provide that workers whose wages are raised must pay a special contribution: the Act permits payment of this by instalments.

The Decree of 26 February 1943 lays down provisions relating to the enforcement of Act No. 9675 by the National Labour Institute.

The complaints section of the National Labour Institute is set up especially to make recommendations in cases where workers complain that minimum wage rates are not observed. Since 1953 there has also been a section for the registering of collective agreements.

The report of the Government was accompanied by a statement concerning the practices followed in respect of collective agreements from 1936 to 1945 and by a list of collective agreements concluded from 1950 to 1955. Recently a number of important collective agreements were signed with the assistance of the executive branch of the Government and of the legislature acting through parliamentary committees.

It may be stated that the law and practice in Uruguay is in accordance with the provisions of the Recommendation; nevertheless, the Government proposes to continue to devote special attention to the matter of collective agreements.

Act No. 10449, while it provides for an all-embracing wage-fixing scheme and thus tends to reduce the economic content of collective agreements, leaves it open for them to deal with legal and even economic problems.

### *U.S.S.R.*

See under Convention No. 98.

### *Viet-Nam.*

Labour Code (Ordinance No. 15 of 8 July 1952).

The Labour Code (sections 70 to 93) lays down the procedure for concluding and carry-

ing out collective agreements. It deals in turn with the nature and validity of collective agreements, the procedure for their extension and their application.

Officials of the Labour Service, where they exist, are responsible for ensuring compliance with the above regulations. In the provinces, owing to the shortage of labour officials, this duty is discharged by the local administrative officers. The trade unions are called upon to collaborate with them for this purpose.

The Ministry of Labour is endeavouring to encourage the conclusion of collective agreements on the widest possible scale.

The provisions of the Code have not been criticised in any way by either the workers' or the employers' organisations.

#### *Yugoslavia.*

Decree No. 711 of 27 September 1948 respecting the formation and cessation of the employer-employee relationship (*L.S.* 1948—Yug. 1).

Decree dated 31 March 1952 on the earnings of workers and salaried employees in the service of private employers.

Decree dated 12 April 1952 on the earnings of workers and salaried employees in co-operatives and co-operative organisations.

Section 2 of Decree No. 711 provides for the conclusion of collective labour agreements by the undertaking, on the one hand, and the workers as a whole represented by their trade union, on the other. In practice, however, collective agreements are not concluded in these undertakings as, under the present economic system, the management of nationalised undertakings is in the hands of management committees which are elected by the workers themselves. The basic working conditions are laid down by law, while detailed conditions within these limits are decided by the undertakings themselves, i.e. by the wage earners and the salaried employees who work in them.

Collective agreements are concluded only for the purpose of settling the working conditions of workers employed by co-operatives and private employers.

Under the decree of 12 April 1952 the earnings of workers and salaried employees employed by co-operatives may be fixed by either individual or collective agreements. A collective agreement is concluded between the management committee of the co-operative on the one hand and, on the other, the trade union or the staff of the co-operative itself. When the parties cannot decide on the terms of collective agreement, the dispute is submitted for arbitration by the People's Committee of the district or town, one member of which must be a representative of the trade union. Such collective contracts deal exclusively with the wages and salaries of the workers and employees.

Under the decree of 31 March 1952 the wages and salaries of workers and employees in the service of private employers may be fixed by collective agreement only. This is concluded between one or several employers and the trade union acting on behalf of the workers. Such an agreement regulates not only wages but all other conditions of work as well.

Any disputes that arise out of the negotiation or operation of a collective agreement must be submitted to tripartite arbitration boards set up for this purpose. These boards must comprise a representative of each party, together with a representative of the authorities (a labour inspector or a member of the appropriate People's Committee).

Collective agreements in private establishments must specify the period for which they are concluded together with the procedure to be followed if it is desired to amend or renew the agreement.

The labour inspectorate is responsible for the enforcement of collective agreements.

There have been no recent changes in the legislation implementing the Recommendation.

## Equal Remuneration Convention, 1951 (No. 100)<sup>1</sup>

### *Bulgaria.*

Constitution of the People's Republic of Bulgaria, dated 6 December 1947 (*L.S.* 1947—Bul. 3).

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

Article 72 of the Constitution lays down that "women shall have equal rights with men in all domains of public, private, economic social, cultural and political life. The said equality of rights shall be rendered effective by securing for women, as for men, the right to work, equal pay for equal work, rest, social insurance, a pension and education".

Article 73 of the Constitution and section 67 of the Labour Code provide that work shall be paid for in accordance with the quantity and quality of the result.

Under these provisions the principle of equal remuneration for men and women workers is introduced without exception into all the spheres of economic life and into the public services. Section 68 of the Labour Code provides that rates of remuneration shall be fixed "in relation to the length of the working day, the training required, the laboriousness or unhealthiness of the work, and its importance to the national economy".

The system and rate of remuneration for labour are prescribed by the Council of Ministers, with the active co-operation of the trade unions. None of the systems in force takes any account of the sex of the worker. Women, in the same way as men, are enabled in every possible way to increase their skills, and in order to facilitate their work social services have been provided, such as kindergartens and day nurseries, and they are granted extra leave.

Women are on an equal footing with men, not only as regards remuneration but also as regards access to occupations. In addition, the Labour Code contains provisions for the protection of women workers when they are pregnant.

The labour protection services supervise the application of the above provisions and no observations have been made by those services with regard to infringement of the principle of equal remuneration.

The Government states that ratification of the Convention was approved by Decree No. 161 of 2 July 1955 (published in *Izvestiya* No. 54 of 5 July 1955<sup>2</sup>).

<sup>1</sup> This Convention came into force on 23 May 1953. Ten ratifications have been registered up to 30 November 1955. 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 prepared for the 39th Session of the Conference (*Summary of Reports on Ratified Conventions*).

<sup>2</sup> The ratification was registered on 7 November 1955.

### *Burma.*

Constitution of the Union of Burma, dated 24 September 1947.

The Constitution provides that—

"All citizens irrespective of birth, religion, sex or race are equal before the law, that is to say, there shall not be any arbitrary discrimination between one citizen or class of citizens and another" (article 13).

"There shall be equality of opportunity for all citizens in matters of public employment and in the exercise or carrying on of any occupation, trade, business or profession" (article 14).

"Women shall be entitled to the same pay as that received by men in respect of similar work" (article 15).

The Chief Inspector of Factories and General Labour Laws is entrusted with the supervision of the application of the Payment of Wages Act.

The Government states that no modification has been made in the national legislation or practice with a view to giving effect to the provisions of the Convention. It adds that before a definite statement could be made on the application of the principle of equality it would be necessary to conduct a survey on the numerical importance of female labour and wage differentials prevailing in different fields of occupations. Furthermore, solution of the problem of "job evaluation" is not easy, though not entirely impossible.

### *Byelorussia.*

Constitution of the Soviet Socialist Republic of Byelorussia, dated 19 February 1937.

Labour Code.

The full equality of women has been achieved in all branches of economic, government, cultural, public and political life.

The principle of equal rights for men and women is established and guaranteed by the Constitution, which provides in article 97 that "women in Byelorussia are accorded equal rights with men in all spheres of economic, government, cultural, political and other public activities. The possibility of exercising these rights is ensured by women being accorded an equal right with men to work, payment for work, rest and leisure, social insurance and education and by state protection of the interests of mother and child, state aid to mothers of large families and unmarried mothers, maternity leave with full pay and provision of a wide network of maternity homes, nurseries and kindergartens."

In application of these fundamental constitutional provisions Soviet legislation has sought to guarantee effectual, and not merely nominal,



equality of rights for women, and has instituted special guarantees for their protection, such as the prohibition of their employment on particularly heavy and unhealthy work and protection during pregnancy, etc.

The full equality of women with men is systematically observed, not only in the field of wages, but also in all other spheres of economic, government, cultural, public and political life. Women are afforded every opportunity of playing an important part in economic, public and political life, and are actively employed in industry and agriculture, medicine and education. A considerable number of women have received higher or specialised education. Byelorussian women take an active part in the administration of the State. A great deal of material assistance is afforded by the State to unmarried mothers and mothers with large families. A wide network of crèches and kindergartens makes it possible for women to combine a full industrial job with the upbringing of their children, and an active public and political life besides discharging their domestic duties.

Byelorussian law and practice guarantee men and women an equal right to work and equal remuneration for equal work.

The Government adds that existing law and practice achieve higher standards than those provided for in Convention No. 100 and Recommendation No. 90.

#### *Canada.*

##### *British Columbia.*

Equal Pay Act, 1953, c. 6.

##### *Ontario.*

Female Employees' Fair Remuneration Act, 1951, c. 26.

##### *Saskatchewan.*

Equal Pay Act, R.S.S. 1953, c. 265, as amended by 1953, c. 6.

The Department of Justice has given the opinion that Convention No. 100 is partly within the authority of the Parliament of Canada and partly within the authority of the legislatures of the provinces. Three provinces—British Columbia, Ontario and Saskatchewan—have passed equal pay legislation. Some collective agreements give effect to the principle of equal pay.

*Article 1 of the Convention.* The Acts in the three above-mentioned provinces define the term "pay" as remuneration in any form.

*Article 2, paragraph 2 (a).* These statutes state that "no employer and no person acting on his behalf shall discriminate between his male and female employees by paying a female employee at a rate of pay less than the rate paid to a male employee". In British Columbia and Ontario the pay is for "the same work done in the same establishment". In Saskatchewan, it is for "work of comparable character done in the same establishment".

*Article 2, paragraph 2 (b).* In no instance in Canada is any legally established or recognised machinery for wage determination being administered with the express purpose of ensuring the equal pay principle. In some provinces the same minimum rates are set for men and women.

*Article 2, paragraph 2 (c).* In many collective agreements rates are set for jobs classified without mention of the sex of the worker. In 1952 a study of 937 collective agreements, covering 610,300 workers selected without regard to legislative jurisdiction, showed the following clauses specifically relating to rates for women: specific equal pay clauses in 63 agreements covering 70,200 workers; lower hiring rates for women in 64 agreements covering 28,700 workers; lower wage rates for women in the same job classifications as men in 31 agreements covering 27,400 workers; special job classification for women in 134 agreements covering 88,800 workers.

*Article 3.* No specific measures have been taken by the federal or provincial governments to promote objective appraisal of jobs on the basis of work to be performed, but the Government states that there is considerable interest in job evaluation in Canada both in industry and in certain trade unions.

The three provincial Acts provide that a difference in the rate of pay between a woman and a man employee based on any factor other than sex does not constitute a failure to comply with the Act.

*Article 4.* The report states that it is the practice in Canada for governments to receive representations annually from employers' and workers' organisations and to give an opportunity for consultation when any legislation is introduced.

Under all three provincial Acts the Minister of Labour of the province has general responsibility for administration. Under each Act an officer of the Department of Labour is designated as director to receive complaints. On his recommendation the Minister may appoint an inspector (in Ontario, a conciliation officer) to inquire into a complaint and endeavour to effect a settlement. The inspector or conciliation officer must report the results of his inquiry and endeavours to the director. Under the Ontario and Saskatchewan Acts, if a settlement has not been effected the Minister, on the recommendation of the director, may appoint an *ad hoc* inquiry commission to hear both parties, determine whether the complaint is supported by the evidence and recommend to the director the course that ought to be taken.

In British Columbia, if the inspector does not obtain a satisfactory settlement the complaint is referred to the permanent Board of Industrial Relations (which also carries out functions under other labour legislation).

All three provincial Acts have been passed since the adoption of the Convention and advocates of equal pay legislation have made reference to the existence of the Convention as a reason for the introduction of national legislation.

#### *Ceylon.*

There are no legislative, administrative or other provisions to prevent the application of the principle of equal remuneration. The Wage Boards Ordinance, No. 27 of 1941, entitles the board appointed for the fixing of wages in a particular trade to apply the principle of equal remuneration if it so desires. On the other hand, there is no provision prohibiting the

determination of wages on a differential basis relating to the sex of the worker.

No modifications have been made in the national legislation or practice since the Convention was adopted.

In most of the fields of employment in which women are engaged, there is not, in practice, differentiation between men and women except for such categories as unskilled labour. In the government service all categories of workers except unskilled workers get the same rates of pay. The differential rate for unskilled workers is justified on the ground of lower output by women. The same conditions prevail in the trades covered by wage boards. Where piece rates are paid they are the same for both men and women. In other occupations, particularly in the commercial sector, there are no standard rates of wages and the rates payable to both male and female workers vary widely. Although differential rates exist, the rate payable in each case is fixed by the employer on his assessment of the efficiency of the particular worker, whether male or female.

There is no machinery for objective appraisal of the work to be performed, in order to justify differentials in wages on the basis of differentials in output. Nor is it likely that such machinery will be established in the near future. If objective appraisal were to be carried out in the few categories where differentials exist it might reveal that the existing rates are not seriously out of alignment. Until such machinery is set up it will not be possible to consider any action in connection with Convention No. 100.

#### *Chile.*

Labour Code of 13 May 1931 (*L.S.* 1931—Chil. 1), as amended.

Section 35 of the Labour Code sanctions the principle of equality of remuneration as between men and women workers by stating that "the wages of men and women shall be the same for work of the same kind".

Further, collective agreements, conciliation agreements, arbitration awards for the settlement of labour disputes, and minimum wage rates established by the competent committees, make no distinction depending either directly or indirectly on sex.

The General Labour Directorate—a technical organisation with its headquarters in Santiago, which controls the provincial, departmental and local inspection offices—supervises the application of the principle of equality of treatment. In addition, a certain number of women inspectors are attached to the section of the inspection service of the General Labour Directorate which deals with the work of women and minors, and with home work and supervises the application of all the provisions which refer to women's work.

The co-operation of the employers' and workers' organisations is ensured by the fact that they report any infringement of the principle of equality of remuneration to the labour authorities and play a part in the drawing up of collective agreements, the settlement of labour disputes and the work of the arbitration courts, and in the establishment of joint minimum wage committees.

It has not been necessary to amend the legislation in force since, as has been stated above, the principle of equality of remuneration is recognised by section 35 of the Labour Code.

The Government states that the General Labour Directorate, by Notice No. 9981 of 6 November 1951, instructed the competent Ministry to submit the Convention to Congress for ratification. This was done on 22 August 1953, but no decision on the question has been taken up to the present.

#### *Colombia.*

Labour Code (Decree No. 2663 of 5 August 1950 (*L.S.* 1950—Col. 3)), as amended by Decree No. 616 of 26 February 1954 (*L.S.* 1954—Col. 1).

Section 127 (formerly 128) of the Labour Code provides that—

"Wages shall include not only the fixed or ordinary remuneration but also all sums paid to the employee in cash or in kind as remuneration for services, irrespective of the form or denomination thereof, such as bonuses, additional wages, habitual allowances, payment for overtime, payment for work performed on compulsory rest days, percentages on the sales, commissions or share in profit."

Section 143 (formerly 144) provides that—

"(1) For equal work, carried on in the same conditions with respect to the post occupied, hours of work and efficiency, equal wages must be paid, the said wages including all the elements referred to in section 127 (128).

(2) No discrimination shall be made in the payment of wages on account of age, sex, nationality, race, religion, political opinions or trade union activity."

#### *Denmark.*

Under the legislation in force the salaries for men and women state civil servants are the same. This is also the case as regards municipal civil servants who are paid in pursuance of regulations approved by the state authorities.

On the other hand, public employees and workers who are paid in accordance with the collective agreements in force for particular trades receive the same rates of pay as those ruling for work with private employers. There are no legislative provisions governing the principles to be followed in the fixing of wages by collective agreements, but as a general rule special rates apply to men and women workers. The report gives examples showing the application of the principle of equal remuneration for men and women workers in the fixing of wages by collective agreements, in particular in the ceramic and tobacco industries.

Men and women workers employed on piece-work receive in some cases the same piece-work rates, but it seldom occurs that men and women workers carry out the same piece-work at the same rates of pay. Moreover, in recent years there has been an equalisation between the average wage for men and women workers, so that the percentage difference is smaller than before. In addition, collective agreements concluded in 1954 to cover the period 1954-56 provide for a certain approach to the principle



of equal remuneration, in that women workers now receive the same cost of living allowances as men workers. The wages of apprentices which, as a general rule, are fixed by collective agreements between the employers' and workers' organisations of the trade concerned, are the same for men and for women.

Civil servants may bring matters relating to wage claims before the courts of law. Questions concerning the non-observance of wage clauses in collective agreements between employers and workers may—as in the case of other contraventions of collective agreements—be brought before the Permanent Court of Arbitration in which both workers and employers are represented.

Compliance with the wage provisions for apprentices is supervised by the public employment service authorities.

No legislative amendments have been made with a view to giving effect to the provisions of the Convention.

As there is no legislation to establish the principles governing the fixing of wages for work in private undertakings, and as the principle of equal remuneration for men and women workers has not so far been applied, to any great extent, in the fixing of wages by collective agreements, Denmark is not in a position for the time being to ratify the Convention.

The report adds that the Confederation of Danish Trade Unions has stated that in principle the Confederation accepts the principle of equal remuneration for men and women workers. However, no great success has been achieved as a result of the efforts made during the negotiations preceding the conclusion of collective agreements in 1954 to apply this principle, at least in the case of piece-work rates.

#### *Finland.*

Order of 29 October 1954 of the Council of Ministers, to regulate wages, issued under the Act of 6 May 1941 respecting the extraordinary powers given to the Government in economic matters and respecting the fixing of wages of persons employed by private employers.

The above-mentioned Order is the only legislative provision in Finland which relates to equality of remuneration.

Some collective agreements also contain provisions relating to the principle of equality of remuneration, but the principle has not been generally applied. The differences between men's and women's wages are, however, much less pronounced in occupations which require high qualifications (for example, a university diploma) than in other occupations.

The Government's report gives a survey of the present situation in the more important sectors of the national economy. In the manufacturing industries women's wages amount to 75 to 90 per cent. of the wages paid to men at time rates, except in the graphic industry, where the minimum wage rates are the same for women and men who have had an appropriate occupational training (except for unskilled workers who are paid at time rates), and in bespoke tailoring and coat-making work, for which collective agreements provide equal rates of pay for workers of either sex. Rates of pay by the job are fixed on the basis of hourly wage rates and therefore are usually

different for the two sexes, but there are some exceptions to this rule. For example, wages in bespoke tailoring and coat-making work, when paid at job rates, are based on the same standards for men and women. Further, in several branches of industry, for example in the metallurgical and wood-working industries, collective agreements provide that women, when they do work which is usually done by men, on condition that the quality of the work and the output is equal to that of men workers, and provided that no supervision or assistance by a man is necessary, are entitled to remuneration calculated on the same basis as that of men workers.

In commerce, and in particular in banks, insurance companies, transport and communications, and agriculture and forestry, the principle of equality of remuneration for men and women is not applied.

In the public services distinction should be made between work done under a contract of private law and that done under a contract of public law. The former is remunerated in accordance with the wage system provided by the collective agreements of the branch in question, while the latter is paid by the State, the municipalities and the communes in the same way for workers of either sex. In theory, therefore, the principle of equality of remuneration is applied in the case of public servants. Certain exceptions should, however, be noted. For example, it is possible that the fact that certain tasks are carried out entirely or mainly by women has had an unfavourable effect on their classification in the wages scale. Too much importance should not be attached to this, however, for so far it has not been possible to establish a satisfactory classification of different kinds of work.

The supervision of the enforcement of the provisions concerning wage regulation is a matter, in the first place, for the wages section of the Ministry of Social Affairs and for the Prices and Wages Council, on which the organisations which are of most importance in the employment market are represented side by side with the representatives of the Government. The supervision of the enforcement of collective agreements is a matter for the organisations concerned.

The Government states that before taking a decision as to the ratification of the Convention and the amendments to national legislation which that would involve, it has instructed a special committee to examine the possibility of ratifying the Convention.

#### *Federal Republic of Germany.*

The principle of equality of treatment as between men and women is laid down in section 3 of the Basic Law of 23 May 1949, which provides that men and women have equal rights and that no person may be discriminated against on the grounds of sex.

An important ruling of the federal Labour Court has answered in the affirmative the following controversial questions of interpretation: (1) Does section 3 also cover the principle of equality of remuneration? and (2) Are these provisions binding not only on the State but also on the parties to collective agreements? The Court ruled that any clause in a collective

agreement fixing no more than a specified percentage of the agreed rates as the minimum wage for women workers engaged on equal work is contrary to section 3 of the Basic Law and is consequently null and void. Nor may lower rates be paid to women workers by reason of the protection granted them by law. Only such differential wage rates are permitted as are applied in the case of men, and then only for such jobs as have been regulated by collective agreement in the same way for both men and women.

The principle of equality of remuneration approved by the Basic Law of the Federal Republic of Germany is also recognised in almost all the constitutions of the Länder, although in some of them the principle is limited in so far as equal output is required as well as equal work as a condition of entitlement to equal pay, and in a number of collective agreements.

In recent years, an increasing number of collective agreements have included a clause on equal pay for equal work (and in some cases equal output). If no such clause has yet been included in a considerable number of agreements, which lay down differential wage rates, it is partly because men and women are not employed on the same jobs in the industries concerned.

In the case of salaried employees differences were always appreciably smaller than in the case of workers, and they are tending more and more to disappear from the new collective agreements. Most of the agreements which still provide for differentials contain a clause on equality of treatment.

Appended to the Government's report, by way of example, are some typical agreements which were concluded before the federal Labour Court gave its ruling.

The labour courts are the authorities responsible for supervising the application of the principle of equality of remuneration laid down in the Basic Law. For detailed information on these courts the Government refers to the Labour Courts Act of 3 September 1953.

Evidence of the way national practice is changing along the lines of the Convention may be found in the increasing number of collective agreements which are based on the principle of equality of remuneration. For details of the position in the public services the Government refers to its report on Recommendation No. 90.

The principle of equal remuneration for work which is only equal in value is not covered by the above-mentioned provisions of the Basic Law, nor was the question dealt with in ruling of the federal Labour Court, but the view generally taken is that the principle of equality of treatment established by the Court's ruling can only be applied if men and women are employed on equal work.

By contrast, the Convention applies not only to cases of equal work but also to cases of work of equal value. It is precisely in these cases of work which is not equal but which is of equal value or as nearly as possible of equal value that the fundamental problem lies. The fact is that a large number of women are employed on different jobs from men, or at any rate on jobs that cannot be described as equal, and the considerable differences in pay as between men and women workers (which are regularly

shown in statistics) have long been mainly due to these instances of dissimilar employment. It is consequently impossible to say that the Convention is complied with as long as no solution has been found to this particular aspect of the problem. Up to now, in the Federal Republic of Germany, only isolated measures have been taken in this field and much still remains to be done.

Before the principle of equality of treatment can be applied to work which is merely of equal value, a clear understanding must be reached of the relative values of the work performed by men and women. Reference is made in *Article 3 of the Convention*, and also in the Recommendation, to the possibility of making an appraisal of jobs as one way of solving the problem of women's wages. In the federal Government's view—shared by the Federal Council—a positive contribution towards the solution of this problem could be made by studying the values of the work in question. The Government has accordingly met its obligation under the Convention to promote the appraisal of jobs by proposing that a tripartite committee of inquiry should be set up, composed of employers', workers' and government representatives, to make the necessary investigations in co-operation with all the parties concerned. The findings of this committee are intended to take the form merely of expert opinions or suggestions. The actual task of fixing wages remains the exclusive responsibility of the parties to each particular agreement.

In the federal Government's opinion such suggestions on the part of any government can serve to meet its obligation under the Convention to promote the appraisal of jobs only if there is a reasonable prospect of giving effect to appropriate measures. Its own suggestion, however, has met with a certain amount of opposition from the employers, and it feels that such investigations can offer no promise of success without the full co-operation of the parties concerned.

After renewed negotiations it has now been possible to obtain the consent of the parties to the establishment of a joint preparatory committee which will consider, on the basis of the information on the Convention available to the International Labour Office and the results obtained from inquiries made in other countries, how a committee of inquiry of this kind might possibly conduct its work while at the same time respecting the right of the employers' associations and the trade unions to settle their own affairs. The federal Minister of Labour will have an opportunity of taking part in the discussions. The federal Government believes that if the committee reaches a satisfactory conclusion with respect to the establishment and operation of some machinery for the investigation of the problem the foundations will have been laid for subsequent ratification of the Convention—an objective which the Government will do everything within its power to achieve.

*Greece.*

There is no special legislation in Greece relating to the principle of equality of remuneration for men and women workers.

Before the war wages were fixed by collective agreements. At the end of hostilities remuneration was fixed by government decisions, owing to the economic difficulties and financial instability resulting from the war. At the present time the system of collective agreements is gradually coming back into force.

When wages are being fixed the principle of equality of remuneration is taken into account, but there is no machinery for controlling the respective output of men and women workers which would allow remuneration to be fixed on the basis of this principle.

Legislative provisions establish equality of remuneration for civil servants and other public servants and for apprentices in industry and handicrafts.

The principle of equality of remuneration is sometimes applied in the more important financial associations, such as banks and limited liability companies, in the case of wages regulated by government decisions.

The average difference between men's and women's wages is estimated to be 20 per cent. (14 per cent. for salaried employees and 22 per cent. for workers), varying with the occupational category concerned.

However, the application of the principle of equality of remuneration is one of the objectives of the Greek Government and the Greek General Confederation of Labour has constantly urged the application of this principle.

There are, however, certain difficulties in the way of ratification which are not at present solved.

#### *Hungary.*

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

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

The Constitution states that in the Hungarian People's Republic women enjoy equal rights with men, and that these equal rights are assured by guaranteeing women working conditions equal to those enjoyed by men and by special provisions for the protection of maternity.

According to the Labour Code equal wages must be paid for equal work and no distinction may be made between men and women when wages are being fixed.

Wages are fixed by the Council of Ministers. The decrees of the Council fixing wages conform in every case to the principle of equality of remuneration, and there is no decree in existence which makes any distinction between the sexes as regards wages.

Under the Labour Code it is a penal offence intentionally to pay lower or higher wages than are due to the workers, including allowances. It is also a penal offence to pay women workers a wage lower than that paid to men workers for work of equal value.

In the Government's opinion, the provisions which it has adopted are entirely in agreement with the provisions of the Convention. The procedure for ratification is in progress.

#### *Iceland.*

State Servants' Salaries Act, No. 60 of 1945.

There is no specific legislative provision which ensures equal remuneration for men and women

for work of equal value. However section 36 of the above-mentioned Act lays down as a principle that, in grouping or regrouping persons who come within the scope of the Act, other things being equal, men and women enjoy the same rights.

In the making of collective agreements it has now become a common practice to stipulate that where work previously done chiefly by men is engaged in by women the latter shall be paid for it at the same rate as men.

It is one of the principles of the Icelandic Federation of Labour to ensure that women shall be paid at the same rate as men for work of equal value. The Government adds that, while in recent years much has been achieved in this respect by agreements made with employers, no legislation has been envisaged on this point nor has any decision been made to draft such legislation.

#### *India.*

Minimum Wages Act of 15 March 1948 (L.S. 1948—Ind. 2).

The principle of equal pay for equal work has been embodied in article 39 of the Constitution as one of the directive principles of state policy. It was accepted by the Central Pay Commission and the Fair Wages Committee and was incorporated in the Fair Wages Bill, 1950. The Bill lapsed with the dissolution of the provisional Parliament. This principle has also been followed in practice by a number of Industrial Tribunals and the central and state government departments in so far as non-manual workers are concerned. There is, however, no legislative provision specifically providing for the payment of equal pay to men and women workers for work of equal value.

In recent years the principle of equal remuneration has come to be progressively accepted and there has been a noticeable tendency towards narrowing down wage differentials based on sex. Most of the recent awards made by adjudicators and tribunals have fixed the same basic wage for men and women.

Wages have been fixed by statute in a number of unorganised and small-scale industries in India under the Minimum Wages Act, 1948. In the majority of such cases no differentiation has been made between the wage rates for men and women. In a few instances, however, differential rates have been fixed, the main consideration weighing with the wage-fixing authorities being that the output of women workers was lower than that of men and that women were often engaged in lighter work.

The question of ratification of the Convention was reviewed at the first session of the Tripartite Committee on Conventions which met at Madras on 7 August 1954. In the absence of a job appraisal machinery, ratification was not considered practicable. The Committee, however, recommended lines of action for the progressive application of the principle of equal remuneration. In accordance with the suggestions made by the Committee, the state governments and the central Ministries have been requested to take the principle into consideration whenever wages are fixed by any authority under their control. The state governments have also been requested to designate a suitable officer to investigate cases on the basis of job appraisal,

whenever necessary, with such technical help as may be required by the circumstances in each case. Such officers have already been designated by some state governments. The principles underlying the Convention have also been brought to the notice of the industrial tribunals.

Action on the provisions of the Convention can appropriately be taken both by the central Government and the state governments.

#### *Indonesia.*

Provisional Constitution of the Indonesian Republic, dated 15 August 1955.

Order of the Labour Minister respecting the Wage Determination Council.

Article 28 (3) of the Constitution provides that "Every worker shall have the right to equal pay for work of equal value and to equally fair contracts of employment as well".

It appears from the wage provisions contained in a contract of employment between the V.E.D.A. (Free Immigration of Rubber Planters at East Sumatra) and workers, given as an example by the Government, that no distinction is made between male and female workers as regards the rates of remuneration and the mode of payment (in cash and in food).

The authority entrusted with the supervision of the application of the legislation is the Labour Relations Board.

The employers' and workers' representatives sit as expert members on the Wage Determination Council.

#### *Israel.*

There is no legislative provision in Israel directly concerned with equal remuneration. Wages are negotiated and finally determined by collective agreements. These agreements provide for equal pay in the case of skilled labour. However, in the case of unskilled and semi-skilled labour, in many collective agreements wages are fixed with regard to sex and are lower for women workers. In many cases the work performed is not equal and the difference in wages results from differences in the work performed.

In the Civil Service the principle of equal pay is fully applied in professional occupations and in office work.

After the adoption of the Convention the Ministry of Labour appointed a committee to study the situation in Israel and to report its findings to the Minister. The Minister of Labour has announced to the Parliament her intention of appointing a tripartite committee to study local or other measures with a view to applying the principle of equal pay in branches of industry in which this principle has not yet been applied.

The Manpower Division of the Ministry of Labour is at present concentrating its activities on job evaluation and job classification, and it is hoped the results of this work will help in fixing wages in collective agreements by relation to objective appraisal of jobs.

#### *Italy.*

Constitution of the Italian Republic, dated 22 December 1947 (L.S. 1947—It. 5).

Article 37 of the Constitution recognises the principle of equality of remuneration as follows :

"a working woman shall have the same rights and, for equal work, the same remuneration as a male worker".

Taking into account this principle of the Constitution, and seeing that wages are fixed by employers' and workers' organisations in collective agreements, the Government has set on foot the procedure for ratifying the Convention.

A Bill prepared jointly by the Ministry of Foreign Affairs and the Ministry of Labour and Social Security was approved by the Senate and transmitted to the President of the Chamber of Deputies on 21 June 1955.

#### *Japan.*

Constitution of Japan, dated 3 May 1947.

Labor Standard Law of 5 April 1947 (L.S. 1947—Jap. 3).

According to the Constitution all the people are equal under the law and there shall be no discrimination on account of sex in political, economic or social relations (article 14, paragraph 1). The Government states that this important principle underlies various laws concerning wages, for instance the Labor Standard Law, section 4 of which provides that "the employer shall not discriminate women against men concerning wages by reason of the worker being a woman".

*Article 1 of the Convention.* Section 11 of the Labor Standard Law provides that "the wage is defined as the wage, salary, allowance, bonus and every other payment to the worker from the employer as remuneration of labour under whatever name they may be called".

*Article 2.* The Government states that the principle of equal remuneration is applied to all workers, except those working in enterprises or offices for an employer to whom they are related and who live with the employer as a member of the family, and domestic employees in the home.

With a view to promoting and ensuring the application of this principle, a labour standard inspectorate system has been established under the Labor Standard Law (Chapter XI), providing for inspection of establishments covered by the Law.

Any trade agreement, labour contract, or working regulation contrary to section 4 of the Labor Standard Law is null and void, and under section 119 any breach of the Law shall be punished by imprisonment not exceeding six months, or by a fine not exceeding 5,000 yen.

*Article 3.* Wages in Japan have been determined, not following a system of objective appraisal of jobs, but on the basis of such factors as the educational background, experience, age and ability of workers. During the economically chaotic period following the Second World War, the main emphasis in the determination of wage rates was placed on ensuring the workers' subsistence. With the return to economic stability, to increased production and higher real wages, stress was generally laid on the appraisal of jobs. In order to promote this tendency the Ministry of Labor gave advice and administrative assistance by such means as the introduction of occupational analysis techniques and job evalua-

tion, the provision of materials, the holding of study meetings, etc.

The method to be followed in the appraisal of jobs is decided upon by independent negotiation between labour and management.

The Labor Standard Bureau of the Ministry of Labor and the labour standard inspection offices (of which there are 337 throughout the country) of the prefectural labour standard offices supervise the enforcement of the Labor Standard Law.

The chief of the Women's and Minors' Bureau of the Ministry of Labor has advisory functions concerning the enactment, suppression, interpretation and enforcement of the provisions of the Labor Standard Law relating to women and minors. For the enforcement of the Law, he works in close contact with the heads of the Labor Standard Bureau, the prefectural labour standard offices and the labour standard inspection offices.

The Central Labor Standard Council and the Prefectural Labor Standard Council have been set up in the Ministry of Labor and in the prefectural labour standard offices respectively to discuss problems arising from the enforcement and administration of the Labor Standard Law. These councils are composed of equal numbers of workers, employers and government representatives.

No modification has been made to the legislation or practice with a view to giving effect to the Convention, and none is contemplated, in view of the fact that the Government feels that the relevant legislation complies with the Convention except as concerns persons living with the employer as members of the family, or domestic employees.

The Government states that it will continue to give the necessary administrative guidance to promote the rationalisation of wages and the application of the principle of equal wages for men and women by giving administrative guidance.

#### *Luxembourg.*

Grand Ducal Order of 18 August 1951 to adapt the minimum social wage to the index number of the cost of living and to make uniform the rates of remuneration for women's work.

The above-mentioned Grand Ducal Order initiated the progressive application of the principle of equality of remuneration. The explanatory memorandum concerning the order refers expressly to the provisions of the Convention. Since 18 August 1951 the rates of women's remuneration have been fixed at 80 to 90 per cent. of the rates for men; the only exception to this rule is for occupations which are essentially feminine.

A second stage, which will allow of the complete application of the principle established by the Convention, is proposed in a draft Grand Ducal Order which the Ministry of Labour submitted to the Government on 14 July 1955. Section 6 of this draft, the purport of which is the introduction of guaranteed weekly minimum wages, provides that women should be paid the same minimum wages and salaries as men for equal work and equal output. For essentially feminine occupations which are not comparable with men's work the remuneration of women is fixed at 80 per cent. of that of men.

In anticipation of the reform of national legislation the ratification of the Convention has remained in suspense, but the procedure for ratification will be begun with the adoption of the above-mentioned draft order.

#### *Netherlands.*

Except for the legislation covering all public servants the Netherlands has not enacted any legislation or other provisions concerning the application of the principle of equality of remuneration.

The Extraordinary Decree respecting the salaries of civil servants and the measures adopted for the staff of local public services do not provide for any differences in the remuneration of male and female staff who do identical work. The Ministry of the Interior is responsible for supervising the application of the legal provisions, and acts in close co-operation with the representative organisations of the staff of the local administrations, especially in the Central Advisory Committee for Public Servants.

The legislation has not been amended in any way, but ratification of the Convention is delayed by the fact that the enforcement of the principle of equality of remuneration would impose heavy burdens, both social and economic, on the private sector of the economy, seeing that the principle is not generally applied. If the principle were to be applied it would be necessary to proceed with the greatest possible caution and to introduce it only progressively.

The application of the system of job classification, which aims at guaranteeing as objective an appraisal as possible of the work done, is in the interests of both the women workers and the employers. This system is applied in the Netherlands, but it is not yet sufficiently widely used to ensure the observance of the principle of equality of remuneration.

The Government has informed the Second Chamber of the States-General that it proposes to encourage the application of the principle and to request the co-operation of the Institute of Labour, which is a central body of voluntary co-operation between the representative national organisations of employers and workers, by asking it to provide annual reports on the possibility of applying progressively the principle of equality of remuneration.

#### *New Zealand.*

Shops and Offices Act, 1921-22, and amendments.  
Agricultural Workers Act, 1936 (L.S. 1936—N.Z. 5).  
Wages Protection and Contractors' Liens Act, 1939.  
Minimum Wage Act, 1945 (L.S. 1945—N.Z. 7).  
Factories Act, 1946 (L.S. 1946—N.Z. 4).  
Government Service Tribunal Act, 1948.  
Industrial Conciliation and Arbitration Act, 1954.

Most wage rates are determined by industrial agreements or awards made pursuant to the Industrial Conciliation and Arbitration Act, 1954.

*Article 1 of the Convention.* The term "remuneration" has not been statutorily defined, but the term "wages" is defined in the Wages Protection and Contractors' Liens Act of 1939 as follows: "'Wages' includes any money or thing had or contracted to be paid, delivered or given as recompense, reward, remuneration, or consideration for any service

rendered or done, whether computed according to time or by piece-work, or at a fixed price or otherwise, and whether payable at regular intervals or otherwise." However, the Court of Arbitration, whose wage determination covers the major field of industrial employment outside the government service, has defined the term "remuneration" in its General Order of 28 October 1954, increasing rates of remuneration from 18 November 1954, as follows: "For the purposes of this Order 'remuneration' means salary or wages; and includes time and piece wages and overtime and bonus and other special payments, and also includes allowances, fees, commission, and every other emolument, whether in one sum or several sums; and also includes travelling expenses."

*Article 2.* Margins exist between the remuneration of men in what are regarded as men's occupations and women in what are regarded as women's occupations. In a number of cases they exist also where men and women engage in identical occupations. There is a difference in the basic rates provided for men and women workers respectively in the current Minimum Wage Order, made under the Minimum Wage Act, 1945. However, in legislation covering a considerable field of employment no distinction on grounds of sex is drawn in regard to the rate of remuneration.

The following details show the extent to which the principle of equal remuneration is applied in the commercial and industrial fields:

(a) By national laws or regulations.

Under the Factories Act, 1946, the Shops and Offices Act, 1921-22, as amended in 1936, there is no statutory differentiation concerning minimum wages as between women and men. The Government states, however, that these statutes affect only a very few employees, the rates of wages generally applicable in factories, shops and offices being the rates set out in the appropriate industrial agreements and awards.

Under the Agricultural Workers Act, 1936, as supplemented by the Agricultural Workers Wages Order, 1955, no differentiation is made on ground of sex for agricultural workers employed on dairy farms. According to section 20 of the Agricultural Workers Act, 1936, which authorises the Governor-General to extend from time to time the provisions of the Act by Order in Council so as to apply, with the necessary modifications, to any specified class or classes of agricultural workers other than those employed on dairy farms, extension orders have been made relating to farms and stations, orchardists, market gardeners and tobacco growers. Except in the first-mentioned case rates for the same work are lower for female agricultural workers than for males. However, in the Farms and Stations Extension Order there are, in addition to the provisions found in all the orders for under-rate workers' permits, special provisions for an under-rate worker's permit for female workers, to be issued "to any woman or girl employed as an agricultural or pastoral worker if the inspector is satisfied, having regard to the conditions of her employment, the nature of the work, and any other relevant circumstances, that she is not reasonably entitled to wages at the prescribed minimum rate...".

The Government states that the provisions of the Agricultural Workers Act, 1936, and orders made under the Act govern the rates of practically all farm workers of both sexes.

(b) By legally established or recognised machinery for wage determination.

Salaries and wages for persons employed in the government service are determined by special tribunals, each covering a particular sector of government activity. The Government has introduced into certain sections of the public service salary scales which are the same for male as for female employees. In the case of females, however, automatic progress ceases in most cases at a point short of that required for appointment to positions above the basic grade. For teachers, in some positions, the salary is paid irrespective of the sex of the appointee, but in the majority of cases the rates for males are higher than the rates for females. In the Railways and Post and Telegraph Departments the position is in effect much the same as in the public service, there being single salary scales for those occupations where both males and females are employed but with a lower automatic maximum in the case of females.

In general, awards and industrial agreements made pursuant to the Industrial Conciliation and Arbitration Act, 1954, which cover the largest sector of the industrial field, provide separate rates for males and females respectively, the rates for females normally being appreciably lower than the rates for males. This applies both where there is a traditional separation between what is regarded as men's work and what is regarded as women's work, and where there is no such separation. Of some 500 awards 17 can be cited in which equal remuneration to men and women workers for work of equal value applies either in respect of all classes of work covered by such awards or of selected positions within the industry covered by the particular award.

The Government states that in view of the fact that the great majority of married women with dependent children do not seek work, the adult male wage being a social wage sufficient to support an average sized family, there has been very little pressure in the community at large or in trade unions for any general equalising of rates of pay. Measures of progress are nevertheless achieved from time to time.

The Government regards the objective of the Convention as desirable in the long run but holds the view that it should be reached by a gradual evolutionary process. For this reason, while such further progress towards equality of remuneration will be achieved from time to time as appears opportune and practicable, the Government does not contemplate any immediate major measures towards implementation of the Convention.

*Norway.*

There is no legislative provision in Norway relating to the principle of equal remuneration for men and women workers for work of equal value, nor are there any provisions concerning this principle in collective agreements.

The Government is of the opinion that wages should be fixed without discrimination of sex; the principle of equal remuneration has been



fully applied in national and local governmental administration. In view of the special conditions prevailing in the country the remuneration of other employees is generally governed by collective agreements concluded between the parties who, in principle, are independent of the Government.

In principle, wage determination has been outside the scope of government action, even in the rare cases where wages have been fixed by public wage committee (arbitration) on the basis of special legislation.

When the question of ratifying the Convention came up for discussion in Parliament the committee reporting on the matter recommended that steps should be taken to prepare the ground so that the Convention might be ratified in the near future. This recommendation was unanimously adopted by Parliament, which requested the Government to inform the industrial organisations concerned and public institutions participating in the determination of wages of the provisions of the Convention. Following upon this recommendation the Ministry of Local Government and Labour on 26 August 1953 sent a letter to all the interested organisations. A list of these organisations is included in the report of the Government.

By Royal Decree dated 9 December 1949 a commission was appointed to investigate the question of equal remuneration for men and women for work of equal value. The Government states that when the conclusions of the commission are published they will constitute a better basis than exists now for the appraisal of the problems of equal remuneration in Norway.

Questions of the fixing of wages, etc., for national government employees are dealt with by the Ministry of Wages and Prices, whereas wage questions concerning other employees are dealt with by the Ministry of Local Government and Labour. The administration, however, has no authority to intervene in the determination of wages when this is done by collective agreement between employers and workers.

Norway's position in regard to the question of ratification was discussed at a meeting of a committee on international social policy (the Norwegian I.L.O. Committee) on 18 February 1952. The representatives of the Norwegian Employers' Confederation advised against ratification; the representatives of the Government maintained that the question of ratification would have to be held over until the Royal Commission on Equal Remuneration (set up in 1949) had published its recommendations. The representatives of the General Confederation of Norwegian Trade Unions were of the opinion that the obstacles to ratification existing in the Norwegian system of collective agreements could be overcome, and recommended ratification. The Government states that the final decision as regards ratification will be deferred until the findings of the above-mentioned Royal Commission have been published.

In a letter forwarded after the report the Government states that the Norwegian Employers' Confederation indicated that it has no observations to make on the Government's reports in connection with Convention No. 100 and Recommendation No. 90. The General Confederation of Norwegian Trade Unions stated that it has no special observations to

make apart from the statement previously forwarded to the Ministry of Social Affairs on both the Convention and the Recommendation.

#### *Pakistan.*

No legislative, administrative or other provisions exist in respect of the provisions of the Convention.

*Article 2 of the Convention.* The methods suggested for the application of the principle of equal remuneration cannot be adopted because, at the present stage of Pakistan's economic development, it has not been found possible to establish ordinary wage fixing machinery.

*Article 3.* Wage fixing machinery as provided for in the Convention involves a highly technical and complicated procedure which would be very difficult to establish in Pakistan because of the lack of trained personnel.

Under the present constitutional system, the subject matter of the Convention is on the concurrent legislative list. However, a new Constitution is being prepared.

#### *Sweden.*

There is no provision in the legislation relating to the principle of equal pay for men and women for work of equal value. However, this principle is laid down in collective agreements for the men's hairdressing and the hotel and restaurant trades. Copies of these agreements are appended to the report of the Government.

In a statement made to Parliament in 1952 the head of the Social Department said that he shared the view of the Delegation of International Co-operation and Social Affairs that the Convention should not be ratified by Sweden, particularly because this would involve a breach in the hitherto generally approved principle that the two parties to industry are free to negotiate and conclude agreements regarding wage conditions without interference from the authorities. Parliament subsequently endorsed this view.

As regards measures to be taken to give effect to the provisions of the Convention, the Government refers to the information given in its report on Recommendation No. 90.

#### *Switzerland.*

Official statistics show that women's wages have developed favourably by comparison with men's. The principle of equality of remuneration is already applied in many places, both in private industry and in the public services. Wages are fixed in principle by mutual agreement between the employers and workers and their organisations. The State intervenes only if the situation demands it and if the persons concerned are not in a position to obtain by their own efforts conditions appropriate to their case. As a general rule, therefore, the federal Government does not fix wages when it is not itself the employer. Up till now it has intervened on behalf of homeworkers only, in whose case it considered that intervention was called for.

With regard to women's work, the report states that state intervention could not possibly be considered unless women's work was so badly paid that such intervention was necessary in the general interest. At the present

moment there would be no justification for intervention. The report adds that if Switzerland were to adhere to the Convention it would raise hopes which the Government was not in a position to fulfil.

These considerations were taken from the Federal Council's report of 12 December 1952 to the Federal Assembly. The Chambers considered them to be relevant and decided that Switzerland should not ratify the Convention.

Nevertheless, the principle of "equal pay for equal work" merits attention, especially in view of its general economic importance. The National Council and the Council of States have therefore agreed to a proposal to request the Federal Council to appoint an advisory committee (on which women also would sit), to draw up a report on the effects which the enforcement of the principle in question would have on the national economy. The question should be studied in the light of a draft report prepared by the Office of Industry, Arts and Crafts, and Labour, and should deal with the economic repercussions in Switzerland which might result from the application of the Convention.

#### *Turkey.*

Labour Code (Act No. 3008 of 8 June 1936, section 32) (L.S. 1936—Tur. 2), as amended by Act No. 5518 of 25 January 1950.

Administrative Regulations, to prescribe methods of minimum wage determination.

*Article 1 of the Convention.* Although the term "remuneration" is not defined in the legislation in Turkey it is in practice interpreted in conformity with the definition given in the Convention. The legal definition of the term "equal remuneration for men and women workers for work of equal value" is in conformity with that given in the Convention. Section 2 of the Labour Code, as amended by Act No. 5518, provides that "no differential rates of wages shall be paid merely because of differences in sex to men and women workers who perform in the same workplace work of the same nature with equal efficiency". This principle applies to all workers in all workplaces covered by the Act.

*Article 2.* In pursuance of section 32 of the Labour Code minimum wages may be fixed in localities and occupations in which this appears necessary to the Minister of Labour. The regulations issued in pursuance of the Labour Code provide that "no discrimination shall be made between the minimum rates of remuneration of men and women workers who perform equal work". There are similar provisions in the minimum wage regulations for journalists and seafarers.

*Article 3.* The question of objective appraisal of jobs on the basis of the work to be performed has been taken up in the state-owned undertakings, especially in the Administration of the State Railways, for which, with the assistance of the American experts, a job analysis system has been adopted as from 1 April 1955 for workers paid by the hour; wages are now being paid according to this method. Similarly, work is in progress on the problem in the Institution of Iron and Steel Works of Karabuk, the Organisation of Mechanical and Chemical Industries, the establishments of the Monopolies Administra-

tion and the Sümer Bank undertakings, with a view to paying wages on the basis of the same system. In several of these undertakings the work in question is nearing completion.

*Article 4.* Representatives of the employers' and workers' organisations concerned co-operate for the purpose of giving effect to the provisions of the Convention, and are members of, for instance, the minimum wage fixing committees.

The Minister of Labour supervises the application of the legislation and regulations.

Modifications have been made in the Labour Code as indicated above, and new regulations have been issued with a view to giving effect to the provisions of the Convention.

As there appears to be close conformity between Turkish legislation and the provisions of the Convention the Government hopes to be able in the future to ratify the Convention.

#### *Ukraine.*

Constitution of the Ukrainian Soviet Socialist Republic. Decree of 1920 of the Council of People's Commissars of the Ukrainian S.S.R.

The legal basis for equality of pay for men's and women's work is derived from article 12 of the Constitution of the Ukraine. The principle applied is "from each according to his powers, to each according to his work".

The placing of women on an equal footing with men in all fields of economic, governmental and public life is rendered possible by granting women equal rights as regards employment remuneration, rest and social security.

By virtue of article 98 of the Constitution the right to payment for work according to its quality and quantity is directly related to the right to work. The principle that payment shall thus be according to the quantity and quality of the work makes it impossible in fixing rates or conditions of employment for regard to be had to any other criteria for determining remuneration for men or women.

The principle of equal pay for equal work is strictly enforced; the application of this principle means that there can be no discrimination between rates of pay by reason of sex, race, age, nationality, etc. Such discrimination would be considered as a penal offence and in any case, if conditions of this kind were included in a worker's contract of employment, the contract would be null and void.

The principle of equal pay for equal work and the inadmissibility of discrimination on grounds of sex were stressed in early Soviet decrees—whether of an "all-Union" character (i.e. having effect in all the Soviet Republics) or specifically Ukrainian. On 22 September 1918 the All-Russian Central Executive Committee issued a decree "respecting the remuneration of wage earners and salaried employees in Soviet establishments", which laid down a minimum rate of pay without distinction as regards sex. In 1920 the principle of equal pay for equal work was reaffirmed in a decree of the Council of People's Commissars of the Ukraine which laid down that women doing work equal to that of men both in quantity and quality should be paid at the same rates as men.

Furthermore, the legislation of the Ukraine not only guarantees the application of the principle of equal pay for men and women workers for work of equal value, but also gives women



wage earners and salaried employees a number of other privileges designed to protect the interests of working mothers. The legislative provisions in question are dealt with below.

According to section 121 (a) of the Penal Code of the Ukraine, refusal to employ a woman because she is pregnant, or refusal to employ a nursing mother or to make any reduction in pay in either case, is a penal offence punishable by a fine or imprisonment for as much as two years in the case of a second offence. In cases of reduction of personnel the administration is required to ensure that women living alone and mothers of young children remain in employment; courts of law give precedence to these women when considering civil cases regarding the re-employment of wage earners and salaried employees who are dismissed by reason of reduction of personnel.

An Order of the Acting People's Commissar for Labour of the U.S.S.R., dated 4 September 1922, and Order No. 40 of the People's Commissar for Labour of the Ukraine, dated 29 October 1925, lay down that, save in exceptional circumstances and subject to the consent of the appropriate trade union, expectant mothers and women living alone may not be dismissed.

By virtue of a Proclamation of the All-Union Central Council of Trade Unions, dated 22 December 1950, rates of pay in the case of the transfer of expectant or nursing mothers to lighter work are calculated on the basis of the earnings of the women concerned during the preceding six months of employment.

Section 129 of the Labour Code of the Ukraine prohibits the employment of women on particularly harmful or strenuous operations; such operations are scheduled in an Order of the People's Commissar for Labour dated 10 April 1932.

Overtime work is prohibited for women after the fourth month of pregnancy; mothers who nurse their children may not be employed at night (section 7 of the Decree of the Presidium of the Supreme Soviet of the U.S.S.R., dated 8 July 1944).

Section 132 of the Labour Code of the Ukraine provides for leave with pay for women before and after confinement; section 134 of the Code provides for supplementary rest periods of not less than 30 minutes to enable mothers to nurse their children.

The above-mentioned Decree of the Presidium of the Supreme Soviet of the U.S.S.R., dated 8 July 1944, provided for the grant of state aid to mothers of large families and mothers living alone with their children, as well as increased privileges for expectant mothers. This decree also introduced special "motherhood" medals, orders and titles for women who have borne and brought up from five to ten or more children.

There is a wide network of maternity homes, nurseries and kindergartens.

Women take an extremely active part in all branches of the national economy. The report supplies details regarding the various activities in which they are engaged and adds that the work and successes of Ukrainian women are highly esteemed and rewarded by the Government.

The report adds that from the foregoing it will be seen that equal pay for men and women

for equal work is ensured by the legislation, which provides for standards which are higher than those laid down in Convention No. 100 and in Recommendation No. 90.

#### *Union of South Africa.*

The industrial laws of the Union of South Africa still permit differences in remuneration to workers of the two sexes; such differences are still a common feature of collective agreements.

No modifications have been made in the legislation or practice for the purpose of giving effect to the provisions of the Convention. The principle of equal remuneration is not regarded as one which can be applied in the Union at the present time. It is not intended to adopt any measures to give effect to those provisions of the Convention which are not yet covered by the national legislation or practice.

#### *United Kingdom.*

There are no legislative provisions in the United Kingdom directly concerned with equal remuneration, for this would be inappropriate to the system of industrial relations in the country, where terms and conditions of employment in general are determined either by voluntary collective agreement, arbitration award, etc., within the industry, or, in the case of certain industries, by statutory regulation giving effect to proposals made by an independent wages board or council. Many of the matters to which the Convention relates are indeed dealt with in various collective agreements or other provisions which apply to a number of workers in public or private employment.

During the period under review negotiations took place between the official and staff sides of the National Whitley Council for the Administrative and Legal Departments of the Civil Service concerning a scheme for progressive implementation of equal remuneration for men and women engaged in these departments of the Central Government Service. Following these negotiations there has been brought into effect in the non-industrial civil service, as from 1 January 1955, a scheme whereby the existing women's scales generally are to be increased by seven equal annual instalments so that, on the payment of the seventh instalment as from 1 January 1961, women's scales will be identical with those for men. For certain grades in which few men are at present employed, for instance machine operators, shorthand and copy-typists, duplicator operators, etc., special common scales are being fixed.

The pay of the Government's industrial employees (including women) is governed by the terms of the Fair Wages Resolution of the House of Commons, and is thereby related to rates of pay in the appropriate outside trade.

Terms and conditions of employment in local government services in Great Britain are not subject to control by the Government, but are settled by negotiations between representatives of local authorities and of their employees. By agreement of the National Joint Council for Local Authorities' Administrative, Professional, Technical and Clerical Services, equal pay for women employed in these departments of local authority services is to be introduced in 1955 by stages similar to those announced for the

civil service. The Local Authority Conditions of Service Advisory Board has recommended the employers' sides of all associated negotiating bodies to apply the principle of equal pay in the same manner and on the same conditions as in the Civil Service. A similar scheme in respect of the corresponding services of local authorities in Northern Ireland is at present under consideration.

In the case of manual workers employed in the service of local authorities, should a woman be called upon to perform a man's job and carry out all the requirements of the job without additional supervision, the man's rate of wages is paid.

By agreement with the Burnham Committees, representative of local education authorities and associations of teachers, and with the approval of the Minister of Education, a scheme similar to that in the Civil Service has been brought into operation in England and Wales with effect from 1 May 1955. A similar scheme has been introduced in Scotland with effect from 1 September 1955 and a scheme is also being examined at present in Northern Ireland.

All medical staff, most professional and technical staff, senior nursing staff and student nurses, and all but the most junior administrative and clerical staff have enjoyed equal pay for men and women since the inception of the National Health Service. For the most part this is currently laid down in agreements reached by the various Health Service Whitley Councils as confirmed by the Minister of Health and the Secretary of State for Scotland. By recent agreements of the Whitley Councils concerned, a slightly modified version of the civil service equal pay scheme has been introduced with effect from 1 July 1955, and the scales for men and women in the grades with unequal pay at present will be identical as from 1 January 1961.

The rates of remuneration of domestic and ancillary staff employed under the National Health Service are related to those prevailing in similar outside employment.

Rates of remuneration are confirmed by Ministerial Order in a number of other branches of public employment (e.g. police, fire services and probation officers), where the number of women employed is, however, relatively small. Apart from the probation service, where a scheme similar to the civil service scheme has been introduced with effect from 1 May 1955, the principle of equal remuneration is not at present applied in these fields; in some cases, however, there are significant differences in the actual scope of the work performed by men and women.

The minimum rates of pay established for their respective industries by wages boards and councils are in general lower for women than for men, whether or not engaged on similar work. There are, however, some exceptions, e.g. equal rates for men and women have been fixed in Great Britain for certain (by no means all) classes of work in the boot and shoe repairing, hairdressing, food preserving, sugar confectionery, toy manufacturing, laundry and baking trades; and for some groups of workers in some retail distributive trades.

The terms and conditions of the great majority of employees in industries other than those covered by a wages board or council are determined by collective agreement. In addition

such agreements are widely observed in practice within the industry by firms who are not parties to them. The number of agreements fixing rates of pay is very great and their relevant provisions are very diverse. In general it would appear that, in the relatively few instances in the field of manual employment where men and women are employed on the same work, collective agreements frequently provide for equal remuneration. For example, in industries where operatives are paid on a piece-work basis, rates are often fixed without regard to sex, while where time rates are paid, women who after a period of training are able to carry on a man's job without additional supervision or assistance commonly receive the same rate as men.

In the non-manual field of industry and commerce the employment of men and women on similar work is mainly confined to clerical work. In the great majority of firms the numbers employed are small and remuneration is frequently negotiated on an individual basis. In general, provision for equal remuneration for men and women is less common than in the case of manual workers, but in certain public corporations the payment of equal remuneration to men and women in non-manual employment has been the practice in recent years.

The enforcement of wages council regulations, where applicable, is carried out by the wages inspectorate of the Ministry of Labour and National Service (in Northern Ireland, the Ministry of Labour and National Insurance) which investigates all cases of complaint and also undertakes routine inspection.

The Government has recently introduced the progressive implementation of equal pay for men and women in certain branches of their own employment, and in other fields of public employment similar negotiations are in progress. Equal pay is not the present general practice in private employment, where pay and conditions are determined by collective bargaining, nor for those government employees whose wages reflect the general practice of comparable outside industry. Moreover, the wider implications of ratification would need to be carefully considered having regard to the system of industrial relations obtaining in the United Kingdom. In these circumstances the Government is not in a position to ratify the Convention.

Copies of Wages Councils Wages Regulations Orders made in 1954 and 1955 for various trades (e.g. baking, boot and shoe repairing, hairdressing, etc.) were appended to the report.

### *Uruguay.*

Act No. 10449 of 12 November 1943, to institute a system of wages boards.

There are no legislative provisions in Uruguay with regard to equal remuneration for men and women workers for work of equal value. However, one year after Act No. 10449 came into force, Parliament issued a resolution, dated 14 December 1945, recommending to the wages councils the following principles for the determination of the salaries of women workers: (1) equal remuneration for men and women for equal work; (2) a maximum difference of 20 per cent. between men's and women's wages if it proved necessary or advisable to depart from the principle of equal pay, taking into account in particular the output of the women workers

and the kind of work on which they were employed.

Account was taken when drafting this resolution of the different conditions as between one industry and another and one employment and another which prevent the formulation of a single rigid rule when the problem of women's wages in general is being studied, and this led to the formation of wages boards which, within a group of industries or a branch, are the technical competent bodies most conversant with the problems of each industry or branch, not only from the occupational angle but also—and this is fundamental—from the economic-social angles.

Account was also taken of the policy adopted in this matter by other States, especially those with which Uruguay competes on the home and the foreign market, and also of the fact that in Uruguay work done by women is to a great extent reserved for them. As a result the problem of equality of remuneration is not a severe one. The appraisal of the value of women's social and occupational duties is the responsibility of the wages boards, on which both employers and workers are represented; the appraisal must be made with the same impartiality and justice as the boards devoted to questions concerning the duties and occupations of men workers.

There is no difference in remuneration between men and women in the public services, the autonomous administrations, and the public sector of industry as regards posts of the same grade which may be filled by either men or women without distinction.

#### *U.S.S.R.*

Constitution of the Union of Soviet Socialist Republics, dated 1936.

The Government states that the principle of equal pay for men and women workers has been consistently applied since the earliest days of the Soviet State and that this principle was fully recognised even in the earlier decrees enacted by the State. A decree respecting the remuneration payable to wage earners and salaried employees in Soviet institutions (issued by the All-Russian Central Executive Committee on 22 September 1918) laid down that the minimum wage was established without distinction as to sex. The same provision appeared in an ordinance to increase wages (issued by the All-Russian Central Executive Committee on 21 February 1919). A decree to publish general wage regulations, issued by the Council of People's Commissars on 17 June 1920, provides that "women doing work identical in both quantity and quality with that performed by men shall be equally remunerated". Subsequently, the Eighth All-Union Congress of Trade Unions emphasised that the principle of equal pay for equal work was one of the foundations of the wage regulation system in the U.S.S.R.

Under article 122 of the Constitution "women in the U.S.S.R. are accorded equal rights with men in all spheres of economic, government, cultural, political and other public activity. The possibility of exercising these rights is ensured by women being accorded an equal right with men to work, payment for work, rest and leisure, social insurance and education, and by state protection of the interests of mother and child,

state aid to mothers of large families and unmarried mothers, maternity leave with full pay and the provision of a wide network of maternity homes, nurseries and kindergartens." Corresponding provisions are also to be found in the Constitutions of all the republics of the Soviet Union.

There are no legislative or administrative provisions permitting any deviation from the principle of equal pay for equal work, nor can any such provisions possibly exist.

Furthermore, the legislation contains regulations protecting women's work and affording women workers supplementary guarantees in respect of their conditions of employment. A network of social services to assist women in their domestic duties has made it possible for them to accept industrial employment. The steady progress of technical development achieved in all branches of the national economy has facilitated work in general and is making it easier for women to be found employment in production and for them to acquire highly skilled trades. Soviet women take an active part in the administration of the State; millions of women are actively employed in production, transport and agriculture. The State has afforded women facilities for the all-round development of their talents and abilities.

The Government states that the guaranteed right to work and to equal remuneration for equal work that is assured to women and men workers in the U.S.S.R. provides an assurance of higher standards than those contemplated in the Convention.

#### *Viet-Nam.*

Labour Code (Ordinance No. 15 of 8 July 1952).

Section 114 of the Labour Code lays down that "every woman or child worker whose work is equal in quantity and quality to the work done by an adult male worker is entitled to the same wage as a male worker".

This principle is applied both in the public services and in private undertakings, and it is also respected, when guaranteed minimum wages are fixed, by the inclusion in all the orders which fix minimum wages of a section repeating the provisions of the Labour Code which are quoted above.

Section 346 of the Labour Code stipulates that any infringement of the provisions of section 114 of the Code shall be liable to a fine.

Basic wage rates to be applied to each occupational category are fixed by collective agreements or general labour rules.

The General Labour Inspectorate and the regional and provincial labour inspection services which are under the control of the Minister of Labour are responsible for supervising enforcement of the legislation.

The Government states that the trade unions may be called on to co-operate in this enforcement.

In the Government's view, the provisions of section 114 of the Labour Code agree with those of *Article 2 of the Convention*. With regard to *Article 3*, the Government is at present seeking to determine the measures to be taken for an objective appraisal of jobs on the basis of the work to be performed. The Government adds that the Convention will be ratified at the appropriate time.

## Equal Remuneration Recommendation, 1951 (No. 90)

### *Austria.*

Transitional Wage Act No. 22 of 1947.  
Contract Employees Act No. 86 of 1948.  
Minimum Wages Act No. 15 of 1951.

The principle of equal remuneration is implemented in the federal and provincial services. The rates of pay laid down by law for federal, provincial and local government employees are applied uniformly without regard to the sex of such employees.

Where wages are determined under public authority, for instance minimum wages fixed by the conciliation boards under the Minimum Wages Act, the same rates are established for work of equal value done by men and women. The principle of equal pay is also fully applied in state-owned industry. In so far as public contracts are allotted to private undertakings, conformity with the existing statutory regulation is required.

In the private sector of the economy, including agriculture, there are collective agreements for most of the workers, and here too the principle of equal pay is put into effect. Any differences between rates of pay for men and women workers are due to differences in the type of work done.

Women are entitled to use all services in the fields of vocational guidance, vocational training and placement on the same terms as men. When welfare schemes are introduced the needs of the women workers are taken into account (kindergartens, nursing rooms, etc.).

There is no restriction on women's access to occupations except where provisions designed for the protection of women prevent their admittance.

It is clear that the principle of equal remuneration is fully applied in Austria and that there is no need for special authorities to supervise compliance with the relevant provisions.

The interests of women as regards the application of the principle of equality can be taken into account by the labour inspectorates and other responsible services.

### *Belgium.*

Constitution of Belgium, article 6.  
Royal Order of 2 October 1937 respecting staff regulations for state employees.  
Legislative Order of 9 June 1945 to issue staff regulations for state employees.  
Royal Order of 16 February 1953 respecting regulations for the remuneration of state employees.

*Paragraph 1 of the Recommendation.* The staff regulations for state employees accord equal rights as regards remuneration to em-

ployees of either sex ; this was established after consultation with the trade unions. Moreover, the provinces and municipalities have adopted a uniform system of payment by grade regardless of sex.

*Paragraph 2.* After the liberation of Belgium, Legislative Orders fixed minimum wages, providing for a difference of 25 per cent. between the rates for male and female adult unskilled workers, but since 15 June 1954 these Orders have not been in force.

With regard to work executed under the terms of public contracts, the competent joint boards fix the wage rates in the same way as for workers as a whole. Women's wage rates vary with the different agreements, which may be made compulsory by Royal Order.

*Paragraph 3.* In Belgium, wage rates are not fixed by legal enactment but by collective agreements concluded, as has been already mentioned, by joint boards. These agreements may be made compulsory by Royal Orders which are published in the *Moniteur belge*.

The employers' and workers' organisations are parties to the collective agreements and are therefore fully conversant with their provisions and give them wide publicity in the periodicals published by their organisations.

*Paragraphs 4 and 5.* Belgium has ratified Convention No. 100 and the National Labour Council, a joint advisory body at the national level, has been entrusted by the Minister of Labour with the task of examining methods for the general application of the principle of equality of remuneration. The Council has decided to carry out an investigation into work which may be done by either men or women and the wages paid for this work, and to seek the reasons for any differences in wages which it discovers. The investigation will cover all sectors of the economy in which a sufficiently large number of women are employed. When its work is finished the National Labour Council will consider whether it is expedient to take legislative or other measures to ensure the application of the principle of equality of remuneration.

However, some of the joint boards, without waiting for the outcome of the Council's work, have dealt with the problem of equality of remuneration. For example, in the building industry the agreement in force does not differentiate between men's and women's wages. It is true that the number of women employed in this industry is not very large but, nevertheless, the principle of equality of remuneration is recognised. The principle is, moreover, of

long standing in the hairdressing trade. Further, the joint board for the fur industry adopted a collective agreement on 14 February 1955 which approves the principle of equality of remuneration for three occupations. The joint board for salaried employees has also made a thorough examination of this question and has reduced the existing difference between men's and women's wages in several cases. In the large stores, where women's wages were fixed in 1949 at 85 per cent. of men's wages, a plan is being considered for a gradual increase in women's wage rates.

*Paragraph 6.* As a general rule, no discrimination is made with regard to the facilities for vocational guidance, vocational training and placement. Nevertheless, it would be advisable to try to make women more aware of the various careers which are open to them so as to avoid their confining themselves to occupations which are set apart for them by custom. The community is responsible for a number of social services designed to meet the needs of women workers (i.e. maternity insurance, benefits in cash and in kind, medical and surgical treatment, hospitalisation, day nurseries, etc.). On the other hand, the employers are responsible for the social services set up within undertakings.

In principle, there is no discrimination as regards access to different occupations and posts, but, in fact, discrimination does exist. The Minister of the Interior in a recent circular requested the provincial governors to remind the authorities under their control that there must not be any discrimination in this matter on grounds of sex. Exceptions to this general principle may be allowed only if the nature of the work to be done makes it necessary to choose either a male or a female candidate.

The report mentions some particularly heavy and laborious kinds of work for which it is customary to engage male labour only; in the opinion of the Government the possibility of allowing women access to such work should in future be dependent on various factors, especially the technical progress which may improve the conditions under which such work is done.

*Paragraph 7.* The ratification of Convention No. 100 and the communication of its text to the National Labour Council led to a series of leading articles in the trade union and employers' press and these articles have supplied the public with a considerable amount of information on the subject.

#### *Bulgaria.*

See under Convention No. 100.

#### *Burma.*

See under Convention No. 100.

#### *Byelorussia.*

See under Convention No. 100.

#### *Canada.*

The Department of Justice has given the opinion that Recommendation No. 90 is partly

within the authority of the Parliament of Canada and partly within the authority of the legislatures of the provinces.

As the subject matter of Recommendation No. 90 covers a wide field, and as a large body of legislation and practice has some bearing on it, the Government has not considered it necessary to list all this legislation.

*Paragraph 1 (a) of the Recommendation.* The Civil Service Commission policy expressed in sections 10 (3) and 11 (1) of the Civil Service Act, R.S.C. 1952, c. 48, is to classify positions in the federal service on the basis of the work to be performed without regard to the sex of the employee.

In government agencies in which the employees are not subject to the Civil Service Act, policy in respect of remuneration is established by the management of the agency. Collective bargaining is carried on in some of these agencies.

*Paragraph 1 (b).* The Saskatchewan Equal Pay Act passed in 1952 and applicable to employment by private employers in the province was amended in 1954 to bring employees of the Crown in Saskatchewan under the Act. The Government of the province of Ontario has stated that it has extended an equal pay policy to its own employees, and other provinces and municipalities may also have done so.

*Paragraph 2 (a).* Minimum wage rates are established for both men and women under provincial minimum wage legislation in all provinces except Nova Scotia and Ontario, where minimum rates are established for women only, and Prince Edward Island, where there is no minimum wage legislation in effect. An order establishing a minimum rate for women employees for the first time in Newfoundland came into effect on 15 June 1955.

In the provinces of Saskatchewan and Quebec the same minimum rate is set for women as for men; in British Columbia, in most minimum wage orders the same minimum rate is set for men and women but in some orders a lower rate is set for women with the proviso that the rates are subject to the provisions of the Equal Pay Act. In the other provinces, where minimum rates are applicable to both men and women, they are higher for men than for women.

Minimum rates set under industrial standards legislation and under the Quebec Collective Agreements Act are based on the prevailing practice in a substantial part of the industry, and there is nothing in the legislation to ensure that the equal pay principle is applied. However, it appears that in the majority of cases one rate or one range of rates is set for each job classification.

*Paragraph 2 (b).* Collective bargaining is the common method of determining wage rates in the large public corporations, such as the Canadian National Railways and the National Broadcasting Corporation. Collective agreements in these undertakings usually specify one rate for a job classification without regard to the sex of the person.

*Paragraph 2 (c).* In the case of federal government contracts, the fair wages policy is that the contractor must pay not less than such

wages as are generally accepted as current in each trade for competent workmen in the district where the work is carried out.

*Paragraph 3 (1).* In three provinces equal pay laws of general application have been passed. (See report on Convention No. 100.)

*Paragraph 3 (2).* The normal procedures for advising employers and workers of the contents of the legislation have been followed by the administering authority in respect of each of the provincial acts.

*Paragraph 4.* No official measures have been taken in Canada for the gradual implementation of the principle. In certain industries the difference between men's and women's rates has been reduced in some recent agreements as the result of collective bargaining.

*Paragraph 5.* In the federal civil service, the Civil Service Commission undertakes objective job analysis for the purpose of classification of positions. The organisation and classification branch of the Commission, which is responsible for this work, has a staff of officers trained in objective job analysis.

Among the devices designed to assist these officers in their work, and to ensure uniformity in application of the classification planned, are class specifications (descriptions of the duties, qualifications, typical assignments for a class) used as a guide in allotting positions to the appropriate classes and grades, and point rating and other factor plans used as a guide in evaluating individual positions and allocating them to the appropriate grade within a class. The class specifications for calculating the equipment operators were appended to the report of the Government. Formal job evaluation plans also exist in some private establishments.

*Paragraph 6 (a) and (b).* Public educational institutions or institutions for vocational training are open to both sexes. The National Employment Service, which is a nation-wide public service, seeks to find employment for all persons (male or female) who register with the office. The report of placements by the National Employment Service shows that women use the service extensively. In 1954, out of a total of 861,588 placements of men and women, 316,136 women were placed in employment.

*Paragraph 6 (c).* Public authorities in Canada have not developed any extensive welfare or social services designed to meet the needs of women workers with family responsibilities. Some social measures, such as mothers' allowances, family allowances, etc., are designed to protect family life by making it unnecessary for a woman with young children to take employment in order to provide minimum subsistence.

In one province, Ontario, grants are given from public funds under certain conditions for the support of day nurseries for children, and in other provinces, as well as in Ontario, some day nurseries are operated by voluntary agencies as a community service.

*Paragraph 6 (d).* Apart from the measures mentioned above the public authorities in Canada have not undertaken specific measures to promote equality in the general field of private employment.

*Paragraphs 7 and 8.* In 1954 a Women's Bureau was established in the Department of Labour with the purpose of studying the problems of working women.

The Government considers that the promotion of research on this subject and the stimulation of discussion by interested groups in the community will make an important contribution to a solution of the various problems which arise out of the changing position of women.

#### *Ceylon.*

See under Convention No. 100.

It is not proposed at present to take any measures to give effect to the provisions of the Recommendation.

#### *Chile.*

Labour Code of 13 May 1931 (*L.S.* 1931—Chil. 1), as amended.

Basic regulations for officials in semi-public institutions and in autonomous bodies (Decree No. 23/5863 of 14 October 1942 having force of law).

Staff regulations for the municipal employees of the Republic (Decree No. 6080 of 30 November 1945, amended by Act No. 9798 of 11 November 1950).

Administrative regulations for state employees (Decree No. 256 of 29 July 1953 having force of law).

The principle of equality of remuneration between men and women is recognised by section 35 of the Labour Code, the text of which was communicated in the report on Convention No. 100. Consequently the sex of the worker is not taken into consideration in fixing wages in labour contracts, in conciliation agreements and arbitration awards for the settlement of labour disputes, or in minimum wage rates.

With regard to *Paragraph 1, subparagraphs (a) and (b) of the Recommendation*, the Government states that neither the administrative regulations for state employees (Decree No. 256 having force of law) nor the basic regulations for officials in semi-public institutions and in autonomous bodies (Decree No. 23/5863 having force of law) nor the statute of the municipal employees of the Republic (Decree No. 6080) discriminates as regards sex in access to occupations.

Further, facilities for vocational guidance, vocational training and placement are available to everyone without distinction as to sex. It is true that discrimination between men's and women's occupations does exist, although it is not sanctioned by any legal enactment except for occupations of a dangerous character, such as underground work in mines and night work, access to which is prohibited for women.

The supervision of the enforcement of the legal enactments is the responsibility of the General Labour Directorate, a technical body with its headquarters in Santiago, which controls the provincial, departmental and local inspection offices.

In addition, a certain number of women inspectors are attached to the inspection service of the General Labour Directorate, more particularly in the section which deals with the work of women and minors and with home work; these women inspectors are responsible for supervising the application of all the provisions which concern women's work.

The co-operation of the employers' and work-



ers' organisations is ensured by the fact that they are able to report any infringement of the principle of equality of remuneration to the labour authorities, and take part in the drafting of collective agreements, the settlement of labour disputes, and the establishment of joint minimum wage boards.

By Notice No. 9981 of 6 November 1951 the General Labour Directorate instructed the Ministry concerned to lay the Recommendation before the National Congress and to explain that the Government was proposing to adopt it since Chilean legislation made its enforcement possible. This was done on 9 December 1954 by Message No. 40. Further, the Government informed the International Labour Office by letter No. 12599 of 15 December 1954 that the Recommendation had been adopted.

#### *Colombia.*

See under Convention No. 100.

#### *Cuba.*

Constitution of Cuba, article 62.

Legislative Decree No. 598 of 16 October 1934, respecting the employment of women in industry (L.S. 1934—Cuba 10), section VI.

Decree No. 1024 of 1937, section 2.

The report states that the legislation in force—in keeping with the customary practice—ensures that no discrimination is made between men and women.

The Ministry of Labour, its provincial offices and the National Office for the Employment of Women and Young Persons ensure compliance with the above-mentioned legislative provisions.

The report adds that, in view of the national law and social practice, it does not appear necessary to modify Cuban legislation in any way.

#### *Denmark.*

See under Convention No. 100 for information relating to the salaries of state civil servants, municipal civil servants and wages fixed by collective agreements.

The report also gives the following information regarding the extent to which effect is given to the various Paragraphs of the Recommendation.

*Paragraph 1 of the Recommendation.* In the case of workers employed by the State or by a local authority on the basis of wage conditions laid down in collective agreements for a particular trade, the rule is for such workers to be paid according to the wage rates determined by collective agreement as applying to the work carried out for private employers; these rates of wages generally differ for men and women workers.

*Paragraph 2.* There is no legislation on minimum wage rates or on the principles to be followed in the fixing of wages by collective agreement. Wages in undertakings operated under public control and under the terms of public contracts are fixed by collective agreements for the trades concerned.

*Paragraph 3.* The determination of wage rates by collective agreement has so far been regarded as a matter to be left for settlement by the parties concerned but not as a matter for the legislative Power.

*Paragraph 4.* As mentioned in the report on Convention No. 100, some approach to the principle of equal remuneration has been made in the determination of wages by collective agreement. The collective agreements concluded in 1954 for the period 1954-56 provide for cost of living allowances, which are fixed at the same rate for men and women workers.

*Paragraph 5.* The Government agrees in principle to the institution of co-operation with employers' and workers' organisations, with a view to establishing methods for the objective appraisal of the work to be performed. However, so far the determination of wage rates by collective agreements has not taken place on the basis of any appraisal of the work.

*Paragraph 6.* The public employment and vocational guidance services are available to both men and women. The Act governing apprenticeship training applies to both men and women apprentices.

The Act of 11 June 1954 concerning general occupational safety and health contains provisions to protect women workers in the case of absence due to childbirth and illness. Statutory provision has been made to ensure that all public posts in the civil service are equally accessible to men and women, with the exception of military posts.

*Paragraphs 7 and 8.* As rates of remuneration are determined by tradition, the Government has so far found no reason to take any of the measures referred to in these two Paragraphs.

See also under Convention No. 100 for information relating to attempts made through negotiation and collective agreements to apply the principle of equal remuneration.

#### *Dominican Republic.*

Act No. 2920 of 11 June 1951: Labour Code (L.S. 1951—Dom. 1).

Law and practice in the Dominican Republic deal with all the questions covered by the Recommendation.

The application of the principle of equality of remuneration is guaranteed in both the state and local government departments. There is no legislation on the question, but the principle is applied in current practice. Quite often a woman is called upon to replace a man, and vice versa. Employees are promoted without distinction as to sex, the salaries being fixed according to the importance of the work to be done.

In other occupations, covered by Paragraph 2 of the Recommendation, the principle is assured by section 186 of the Labour Code, which provides that "there shall be equal pay for equal work carried out in conditions of identical skill and length of service, no matter who carries out the work".

Further, section 420 of the Code stipulates that the fixing of minimum wage scales shall be

the duty of the National Wage Board, which is composed of a president and two members nominated by the Executive, and two members nominated respectively by the national confederations of employers and employees. The scales fixed by the Board do not discriminate between the sexes but are fixed for men and women workers without distinction.

The report adds that the Code also ensures the application of the principles contained in Paragraphs 2 and 3 of the Recommendation.

The National Wage Board, in determining rates of remuneration, makes use of methods which allow for an objective appraisal of the work to be performed in the different occupations.

Workers of either sex have equal or equivalent facilities for vocational guidance, vocational training and placement, and are encouraged to make use of these facilities.

On the whole, public opinion is to the effect that the principle of equality of remuneration is both natural and reasonable.

In accordance with the Labour Code, the enforcement of the legislation on the matter is the responsibility of the Departments of Labour, which are subordinate to the Secretariat of State for Labour. The Departments are assisted by local labour representatives and inspectors. The co-operation of the employers' and workers' organisations concerned is ensured by the share which they take in fixing minimum wage rates and by the fact that they report infringements of the principle of equality of remuneration.

It is not possible to indicate at present the measures which would have to be taken to give effect to all the provisions of the Recommendation, but no amendments appear to be necessary for this purpose.

#### *Finland.*

See under Convention No. 100.

#### *France.*

Constitution of the French Republic of 27 October 1946.

Ordinance of 24 August 1944 respecting temporary increases in wages.

Order of 30 July 1946.

Act No. 50-205 of 11 February 1950 respecting collective agreements and proceedings for the settlement of collective labour disputes (*L.S.* 1950—Fr. 6).

The problem of equality of remuneration as between men and women does not arise in France where, under the Constitution, "the law guarantees to the woman in all spheres rights equal to those of the man".

This constitutional principle is respected by the laws and regulations concerning conditions of remuneration. For example, section 7 of the Ordinance of 24 August 1944 respecting temporary increases in wages at the time of the liberation of France provides that "the minimum wage rates for women, when conditions of work and output are equal, shall be equal to the wage rates for male workers". To enforce this provision, an Order of 30 July 1946 repealed the provisions with regard to the lowering of women's wages which had been authorised up to that time. Thus, the system of wage regulation which came to an end with

the enactment of the Act of 11 February 1950 respecting collective agreements and proceedings for the settlement of collective labour disputes provided for strict equality between men's and women's wages. Women workers were therefore able to benefit in the same way as men workers from the minimum rates provided by the Orders regulating wages. These rates have been provisionally maintained in force in application of section 2 of the above-mentioned Act. Since the Act has brought back into force the system of freedom of wages, the State will only intervene in future in the fixing of the inter-occupational guaranteed minimum wage, which is identical for wage earners of either sex.

The Act of 11 February 1950 further provides, by a redrafting of section 31 (*g*) of Book I of the Labour Code, that collective agreements, which may by Ministerial Order be made to cover all the employers and workers of an occupational branch, must include a clause with regard to the methods of applying the principle "equal pay for equal work" for women and young persons. The principle of equality of remuneration is respected also in the case of women employed by undertakings which carry out work under labour and supply contracts signed on behalf of the State or other public corporations. The remuneration of state employees and employees of the government and local departments, and of industries and undertakings owned or under the control of a public authority, does not vary with the sex of the persons concerned.

In the view of the Government, equality of remuneration for men and women is achieved in France in all spheres by virtue of a constitutional principle which may not be departed from, and therefore the provisions of Recommendation No. 90 do not call for, and will not apparently be likely in the future to call for, any particular observations.

#### *Federal Republic of Germany.*

The principle of equality of remuneration is applied to persons employed in the federal, provincial and local government departments. The wage rates fixed by collective agreements for these departments are based on the work done, regardless of the sex of the worker. The same rule applies for the employees of the federal railways and postal services. The collective agreements which cover the other public services provide that women shall receive a wage equal to that of men if they do the same work and their output is equivalent; otherwise, they are only paid 90 per cent. of the men's wage rate.

The parties to the collective agreements are at present considering amending this provision so as to bring it into line with the decision of the Federal Labour Court which was mentioned in the report on Convention No. 100.

Men and women have the same facilities for vocational guidance and placement in employment or as apprentices. As regards vocational training and access to employment, there is no legislation restricting women in this connection except the prohibitions and restrictions imposed by the laws for the protection of women.

Utilisation of vocational guidance and of the placement services is voluntary, but men and women alike are encouraged to apply to the



labour offices when the need arises. When the labour offices were organised, the economic importance of women's work and the social problems to which it gives rise were taken into account.

With the object of improving the quality of work and the output of the workers, the labour authorities have organised vocational training and refresher courses, which are largely attended by women, especially those who wish to re-enter employment after a long interruption due to marriage and bringing up their families.

There are a considerable number of social welfare facilities (kindergartens, day nurseries, holiday homes, home-aide services) especially arranged on behalf of mothers who work away from their homes. These services are financed partly by public funds, partly by charitable institutions, and sometimes also by the industry. The beneficiaries themselves often pay a small contribution. In several provinces working women who are in charge of a household are entitled to one day's leave a month to look after it.

The problem of improving the facilities granted to women workers has been much discussed, both by the Government and by women's and social organisations. The labour authorities do their best to persuade the undertakings to grant women the same facilities as men, not only with the object of achieving respect for the principle of equality of remuneration as between the sexes but also with a view to providing against a possible lack of male labour.

The Federal Minister of the Interior recently stated that he was in favour of increasing the number of women employed in the public services and recommended that more women should be appointed in all grades.

The Government states that the federal authorities are responsible for taking the necessary measures for giving effect to Convention No. 100 and Recommendation No. 90.

#### *Greece.*

As already mentioned in the report relating to Convention No. 100, there is no legislation in Greece with regard to the general application of the principle of equality of remuneration. This question, which concerns the occupational organisations as well as the competent authorities, is taken into consideration when collective agreements are being concluded, but there is no machinery for assessing the output of women workers as compared to that of men workers.

In Greece the measures provided for in *Paragraph 6 of the Recommendation* as regards vocational guidance, vocational training and placement apply equally to workers of either sex. Further, there are social services to meet the needs of women workers and, generally speaking, no difference is made between the sexes in the sphere of social policy.

#### *Hungary.*

See under Convention No. 100.

Appropriate measures have been taken to ensure the welfare of working women in Hungary, especially in regard to the organisation of social services (day nurseries in undertakings or near workplaces).

#### *Iceland.*

See under Convention No. 100.

#### *India.*

See under Convention No. 100.

#### *Indonesia.*

See under Convention No. 100.

#### *Israel.*

There are no legislative provisions in Israel directly concerned with the matters dealt with in the Recommendation.

The wages of government employees are fixed by the Government after negotiation with the Civil Servants' Union.

In all government departments, as well as in local government services, equal wages are paid for equal work, the only difference being that in some cases family allowances are not paid to a working woman in respect of children if her husband is able to work.

The provisions of the Recommendation are applied to employees of the Government. It is intended to set up a tripartite committee to consider the action to be taken as regards other employees.

#### *Italy.*

Constitution of the Italian Republic, dated 22 December 1947 (*L.S.* 1947—It. 5), articles 37 to 51.

Act No. 1176 of 17 June 1919, and Regulation No. 39 of 4 January 1920 to implement it, respecting the legal competency of women.

Royal Legislative Decree No. 1554 of 5 November 1933.

Royal Legislative Decrees Nos. 1514 of 5 September 1938 (*L.S.* 1938—It. 2) and 898 of 29 June 1939 to regulate the access of women to public and private employment.

Act No. 739 of 29 June 1940 suspending the application, in the public services, of the restrictions established by the Royal Legislative Decrees Nos. 1514 of 1938 and 898 of 1939.

Act No. 67 of 27 February 1952 to establish new provisions respecting the legal status of state employees.

According to article 37 of the Constitution, "a working woman shall have the same rights and, for equal work, the same remuneration as a male worker".

This principle of the Constitution is widely applied in practice. Thus, except in agriculture, a large number of collective agreements which have been concluded in recent years, since the Constitution came into force, contain clauses with regard to equality of remuneration.

In industry, in particular, the jobs are assigned to the male and female workers according to the nature of the work to be done and the skills and capacity of the workers, and the remuneration is fixed in the contract on the basis of an objective appraisal of the jobs.

The principle of equality of remuneration is stated in the agreements signed by the employers' and workers' organisations, one on 6 December 1945 for the Northern provinces, the other on 23 May 1946 for the Central and Southern provinces; these agreements contain a clause providing that "when women do work which is customarily done by men, they shall be paid the wages fixed for men in the collective agreement, in so far as the conditions of work

are the same and their output is equivalent in quantity and quality. For piece work, the condition of equality of remuneration will be deemed to be fulfilled if the same rates are applied to both sexes."

This rule is reproduced in substance in the principal collective agreements concluded at the national level. The textile agreements of 6 December 1950 added to this clause provisions showing how the work is divided between the sexes: "When men workers are called upon to do work for which only women's wage rates exist, they shall be paid at the rates fixed for the corresponding men's posts."

The Government states that the wages policy of recent years has effected a considerable reduction in the differences between men's and women's wages. Thus, at the present time, while the cost of living is 54 times higher than in 1938, women's wages are 90, 100, and even—in the industries where a large number of women are employed—120 times higher than the pre-war rates, while men's wages are only 70 times higher.

There is no discrimination as to the conditions of recruitment or salary of state employees.

The provisions restricting the employment of women in the public services were suspended by the Act of 29 June 1940 mentioned above.

According to article 51 of the Constitution, "all citizens of either sex have an equal right of access to public and elective offices under the conditions provided by law".

The Prime Minister, while emphasising the fact that the provisions of this article must be considered as an objective to be attained, gave instructions on 25 February 1948, in Circular No. 6480/12106.158.1.3.1, prohibiting the exercise of the discretionary power given to public departments by Royal Legislative Decree No. 1554 of 28 November 1933 which allowed them to specify from time to time, in the notices of entrance examinations for the public services, that no women candidates would be accepted or that the number of women entrants would be limited.

The legal status of state employees is regulated by Act No. 67 of 26 February 1952, which provides in section 2, paragraph 3, that "the legal status and remuneration of all wage-earning personnel, whether male or female, with equal qualifications, shall be the same".

With regard to the administrative and subordinate staff of the local authorities, there does not appear to be any difference as a rule between the principle applied to them and the principle stated in article 37 of the Constitution.

On the other hand, there are often differences in the employment conditions of persons filling lower posts (nursing staff, unskilled workers and other workers who are merely manual labourers).

In this connection, the Ministry of the Interior, in agreement with the High Commissioner of Hygiene and Public Health, intends to prepare instructions reminding the departments that they should observe the principle of equality.

The liberal professions are open to women in the same way as to men, and many women are barristers and solicitors by profession. On the other hand, they are not eligible to become judges, and it cannot be foreseen what their

status will be under the new Act respecting the legal profession.

The principle of equality between the sexes is invariably observed in vocational guidance and vocational training. All vocational schools are open to persons of either sex without distinction, except those which train for occupations which are exclusively for men or women.

Moreover, all the women's vocational schools are organised according to criteria and with objectives identical with those of men's vocational schools, especially as regards the analysis of the occupation in question, the school syllabus, the length of the training course, and the value of the certificates awarded at the end of the training.

As regards social and welfare services, the Government recalls the provisions of the laws respecting maternity, labour protection of women and children, and the physical and economic protection of working mothers.

Finally, no discrimination is made between men and women in regard to the advice given by the placement and vocational guidance services.

The Government states that the principles of the Recommendation are already applied in part by Italian legislation and collective agreements, and that a general application of the principle of equality of remuneration would necessitate a careful revision of all the provisions at present in force and a series of progressive measures.

The Government will do its best in future to take into account the provisions of the Recommendation when adopting any new measure which it may have to take in this connection.

### *Japan.*

Constitution of Japan, dated 3 May 1947.

Labor Standard Law of 5 April 1947 (*L.S.* 1947—*Jap.* 3).

Enforcement Ordinance of Employment Security Law (Ministry of Labor Ordinance No. 12 of 1947).

National Public Service Law No. 120 of 1947.

Employment Security Law No. 141 of 30 November 1947 (*L.S.* 1947—*Jap.* 4).

Child Welfare Law No. 164 of 1947.

Law No. 180 of 1950 concerning the Position Classification Plan for the National Public Service.

Local Public Service Law No. 261 of 1950.

*Paragraph 1 of the Recommendation.* Section 62 of the National Public Service Law, which applies to the employees of the national administrative agencies, provides that "personnel shall be compensated on the basis of the duties and responsibilities of their position", and section 27 prohibits discriminatory treatment between men and women.

*Paragraph 2.* Under section 4 of the Labor Standard Law "the employer shall not discriminate women against men concerning wages, by reason of the worker being a woman". This provision is applicable to the employees of local public bodies such as prefectures, cities, towns and villages and to the workers employed by public corporations, state-operated enterprises, enterprises carried out by public contracts and industries in which wage rates are determined by the public agencies.

*Paragraph 3 (1).* The principle laid down in section 4 of the Labor Standard Law is applied to all workers except to those working in enterprises or offices for an employer to whom they are related and who live with the employer as a member of the family, and domestic employees in the home.

*Paragraph 3 (2.)* According to the provisions of section 106 of the Labor Standard Law "the employer must inform the workers of the gist of this law and ordinance based on this law and the rule of employment". The Labor Standard Bureau, prefectural labor standard offices, labor standard inspection offices and the Women's and Minors' Bureau and its local offices are endeavouring to disseminate knowledge of the relevant legislation through public relations activities. Furthermore, section 105 of the Labor Standard Law provides that the Minister of Labor or the chief of the prefectural labor standard offices shall provide workers and employers with informational data and other necessary assistance for the purpose of attaining the objective of the law.

*Paragraph 4.* The Government states that measures have been taken for the full application of the principle set forth in the Recommendation.

Workplaces to which men and women are assigned often differ and, in determining wages, account is taken of factors such as educational background, age, period of experience. In addition, the supplementary allowances such as family allowances are paid mainly to men workers. In consequence, statistical figures show some differentials between men and women workers, but the Government considers that this is not inconsistent with the principle of equal remuneration for men and women workers for work of equal value.

*Paragraph 5.* With a view to rationalising the wage system, the administration provides assistance and advice to private enterprises with guidance in the matter of the introduction of techniques concerning job analysis and job evaluation, presentation of informational data, holding of study meetings and so forth.

According to the provisions of the National Public Service Law, the grade of the national government employees is determined according to the type of duties, their degrees of complexity and the responsibilities involved. In accordance with this provision detailed regulations are laid down concerning the position classification of public servants. Extracts from the Law concerning the position classification plan for the national public service were appended to the report.

*Paragraph 6 (a).* Section 3 of the Employment Security Law provides that "no one shall be discriminated against in employment exchange, vocational training, etc., because of ... sex..." and the Enforcement Ordinance requires the public employment security offices to serve all applicants on the same basis, regardless of sex. Furthermore, these offices are directed to refer the applicants to jobs most appropriate to their abilities and to refer to an employer all workers who meet the hiring specifications.

*Paragraph 6 (b).* The public employment security offices endeavour to serve the interests of women applicants by having special officials to deal with them and separate interview rooms. In addition, the public vocational training centres give women equal opportunities for training for skilled jobs and also provide training courses in typewriting, dressmaking and other trades regarded in Japan as almost exclusively female occupations.

*Paragraph 6 (c).* Welfare facilities for women workers are provided by individual enterprises when the situation allows. The Child Welfare Law (which was appended to the report) provides for the establishment of infant homes and day nurseries for the convenience of women workers.

*Paragraph 6 (d).* In accordance with article 14 of the Constitution, men and women workers are treated equally as regards access to jobs and positions.

*Paragraph 7.* The Labor Standard Bureau, prefectural labor standard offices, labor standard inspection offices and the Women's and Minors' Bureau and its offices in the prefectures have striven to deepen the people's understanding of the principle of equal remuneration for men and women workers for work of equal value by making known the relevant legislation through various kinds of public relations activities.

*Paragraph 8.* The Women's and Minors' Bureau analyses every year the cases of contravention of section 4 of the Labor Standard Law which are reported to it by its offices in the prefectures (for details see report on Convention No. 100).

As regards the labor standard inspection offices the Government refers to the information given in its report on Convention No. 100.

The responsibility for the enforcement of the Employment Security Law and the Enforcement Ordinance of the Employment Security Law rests with the Ministry of Labor through its Employment Security Bureau. Prefectural governors, subject to the supervision of the Ministry of Labor, direct and supervise the chiefs of public employment security offices, who are responsible for the enforcement of the Employment Security Law in practice.

Co-operation with the employers' and workers' organisations is ensured by the operation of the Central Employment Security Council and prefectural employment security councils in the Ministry of Labor and in prefectures respectively, which debate questions of enforcement of the Employment Security Law, submitted to them by the Ministry of Labor or the prefectural governors concerned. These councils are composed of equal numbers of members representing labor, management and public interests.

The responsibility for the enforcement of the National Public Service Law rests with the "personnel authority" composed of three personnel officers responsible to the Cabinet.

The Government states that the laws in force are considered to comply with the provisions of the Recommendation and that no modification is therefore necessary.

*Luxembourg.*

See under Convention No. 100.

*Netherlands.*

See under Convention No. 100.

*New Zealand.*

The Government refers to its report on Convention No. 100. It adds that it has reservations regarding the desirability and practicability of any sudden and full-scale measures designed to implement the objectives of the Recommendation, and does not contemplate any immediate measures in this connection.

*Norway.*

Act of 15 February 1918 respecting industrial home work.

Pay Regulations for Government Service, of 1 July 1948, as subsequently amended.

*Paragraph 1 of the Recommendation.* The principle of equal remuneration for work of equal value, irrespective of sex, is applied in the national and local government administration.

*Paragraph 2 (a).* Under the Act of 15 February 1918 the Council for Industrial Home Work, which is appointed by the Government, stipulates minimum wages for work covered by the Act. These minimum wage rates are the same for men and women workers.

*Paragraph 2 (b).* The principle of equal remuneration for work of equal value is applied in the case of employees in institutions and undertakings owned by the national Government and covered by the Regulations of 1 July 1948, with subsequent amendments. Where the wages of the workers in these institutions and undertakings are determined by collective agreements between the Government and the workers' organisation concerned, such agreements are usually based on the principle of equal remuneration. For a number of these institutions the collective agreements cover mainly women workers and contain wage rates for them, but on the understanding that men workers should be similarly remunerated should they be employed on the work concerned.

With few exceptions the same system is applied for institutions and undertakings operated by local government authorities and for those operated by the national Government.

In undertakings and enterprises owned by the national Government or where the national Government holds a majority of the shares, the systems established for similar private undertakings are followed, but with the difference that equal remuneration is in general paid to salaried employees.

*Paragraph 2 (c).* In the case of work executed under the terms of public contracts, wages are stipulated in agreements concluded between the private contractor or his employers' federation on the one hand and the workers' organisations concerned on the other.

*Paragraph 3.* The Government refers to the information given in its report on Convention No. 100.

*Paragraph 4 (a).* Wages for workers not employed by the Government are generally fixed by agreement between employers' and workers' organisations. In recent years the question of the remuneration of female labour has been taken up during negotiations for revising collective agreements and the tendency has been for the differential between men's and women's wages to be reduced.

The Government supplies a table of statistics of the average hourly earnings for adult workers in industry which shows that in 1949 women's earnings represented 65.1 per cent. of men's earnings, as compared with 67.9 per cent. in 1955.

*Paragraph 4 (b).* Increments paid in respect of age or seniority are sometimes the same for women and men irrespective of whether they carry out work of equal value. In the case of other increments differences are made as regards men and women. Thus, the cost-of-living increments which were provided for from 1945 onwards differ for men and women irrespective of the nature of the work. These cost-of-living increments are now to a great extent included in wages. An agreement made between the General Confederation of Norwegian Trade Unions and the Norwegian Employers' Confederation on 12 May 1954 in connection with wage negotiations that year, provides for different amounts for men and women (Kr. 25 and Kr. 20 respectively per day) as compensation for movable holidays to workers paid by the hour.

*Paragraph 5.* Methods for the appraisal of the work performed (job analysis) with a view to classification without regard to sex have only been used to a small extent in the case of workers covered by collective agreements. The standard agreement of 1955 made between the Norwegian Employers' Confederation and the Norwegian Federation of Commercial and Office Employees implies that job analysis shall be utilised as a basis for wage fixing but with different wage rates for men and women.

*Paragraph 6 (a) and (b).* Both men and women have the same facilities for vocational guidance, employment counselling, vocational training and placement, and are equally encouraged to avail themselves of these facilities.

*Paragraph 6 (c).* The most common welfare measures for women who are responsible for a family are day nurseries and crèches. Out of a total of 47 day nurseries in Norway, 20 are run by local authorities, two by industrial undertakings and the remaining 25 by various voluntary organisations. The majority of crèches are sponsored by voluntary organisations and the remainder by local authorities. In addition there are 150 nursery schools, eight of which are run by various industrial undertakings and the remainder, belonging to local authorities, by voluntary organisations.

*Paragraph 6 (d).* Women have access to all occupations on the same basis as men.

In the case of ministers in the established Church there is, however, a special provision that women shall not be appointed where the local congregational council is opposed to this on principle.

A Royal Commission has been appointed to report on the question of equal pay for work of equal value; until the findings of this Commission are published the Government can make no statement as regards any modifications which it may be necessary to make in applying the Recommendation.

For supplementary information as regards observations received from employers' or workers' organisations see under Convention No. 100.

#### *Pakistan.*

No legislative, administrative or other provisions exist in respect of the matters dealt with in the Recommendation.

*Paragraph 1 of the Recommendation.* There is no wage fixing machinery as provided for in Convention No. 100. Consequently, the application of the principle of equal remuneration to all employees of central government departments or agencies and of provincial local government departments is not feasible.

*Paragraph 2.* So long as there is no minimum wage law in Pakistan the implementation of the provisions laid down in this paragraph is not possible.

*Paragraph 3.* No legal enactment of the general application of the principle of equal remuneration can be made at present.

*Paragraph 4.* For the reasons stated in connection with Paragraph 1 no appropriate provision can be made for the progressive application of the principle.

*Paragraph 5.* The objective appraisal of the work to be performed with a view to providing a classification of jobs without regard to sex is a highly technical matter and is not possible because of the lack of the necessary technical personnel.

*Paragraph 6.* The principles laid down in subparagraphs (a), (b) and (d) are generally followed in Pakistan, but the provision of welfare and social services to meet the needs of women workers and the financing of such services from general public funds or other measures as envisaged in subparagraph (c) does not seem to be feasible at present.

*Paragraph 7.* Because of administrative difficulties it would be difficult to pursue with any great vigour the policy envisaged in this Paragraph.

*Paragraph 8.* Investigations to promote the application of the principle laid down in the Recommendation cannot be undertaken at present owing to financial difficulties.

#### *Sweden.*

Having regard to the position of principle adopted in Sweden, namely that wages should be determined by negotiation between the two parties and not by legislation, the Government, with a view to drafting the report, requested the opinion of the most representative organisations of employers and workers, namely the Swedish Employers' Confederation, the Swedish Con-

federation of Trade Unions and the Swedish Confederation of Salaried Employees' Organisations. A statement of their opinions, as well as the final chapter of a report issued by the Labour Market Committee in 1951, was appended to the report.

The Labour Market Committee is an advisory and negotiating body composed of delegates of the Swedish Employers' Confederation and the Swedish Confederation of Trade Unions. It is required to examine all organisational action for dealing with certain employment market problems of fairly general importance.

The application of the principle of equal pay in Government employment has been the subject of a report entitled "Equal Pay for Men and Women in the Public Remuneration System" issued in 1953 by the Equal Pay Committee (an official body). A copy of this report was appended to the report of the Government. The Government states that this report must be regarded chiefly as an expression of principle and that no action has yet been taken in this connection.

In certain occupational circles a desire to bring the equal pay question into the limelight has recently become apparent. It was expected that the 19th Ordinary Congress of the Swedish Clothing Workers Federation (Stockholm, August 1955) would examine several motions on this subject.

#### *Switzerland.*

The Government states that the provisions of the Recommendation, in so far as they refer to the position of women in economic life, lay down principles which Switzerland has already put into practice—for example, the recommendation that a woman should be put on the same footing as a man with respect to vocational guidance, vocational training and placement, or that the special needs of women should be taken into account when social and welfare services are set up. The Recommendation further suggests that the equality of men and women should be promoted as regards access to occupations and posts, and it may be said that this equality—in so far as it depends on the authorities to carry it out and in so far as special conditions do not demand special regulations—already exists in Switzerland to a great extent. More and more women are filling posts and doing work which in the past were reserved for men. Finally, with regard to the efforts which the Recommendation proposes should be made to promote wider public understanding of the principle of equality of remuneration, and the investigations which it considers should be undertaken to promote the application of this principle, the Government considers that such efforts are not the responsibility of the State but of the organisations concerned.

These considerations have been taken from the Federal Council's report of 12 December 1952 to the Federal Assembly. Since the Chambers considered these observations relevant and decided that Switzerland should not ratify the Convention, it is not possible to give effect to the Recommendation. See, however, under Convention No. 100, the statement with regard to the acceptance by the Chambers of a ruling as regards this question.

*Turkey.*

Act No. 3656 of 30 June 1939 respecting salary and wage scales for civil servants.

Act No. 3659 of 11 July 1939, respecting persons employed in banks and state-owned undertakings.

See also under Convention No. 100 as regards legislative provisions on the subject matter of the Recommendation.

In pursuance of Acts Nos. 3656 and 3659 and of other special laws concerning public employees, the principle of equal remuneration has been adopted and is being applied to all men and women officials, salaried employees and workers who perform work of equal value and who are in receipt of salary or other remuneration borne on the general state estimates, the supplementary or the special estimates or the estimates of a commune.

The authorities entrusted with the supervision of the application of the above-mentioned legislation are the Minister of Finance, the Minister of the Interior, the other Ministries concerned and the Higher Supervisory Council of the Prime Minister's Office.

A Bill respecting salary and wage scales has been prepared and is now under review. This Bill provides, on a more objective basis, for the application of the principle of equal remuneration in the State sector.

*Ukraine.*

See under Convention No. 100.

*Union of South Africa.*

Different scales of pay are laid down for the two sexes in many spheres of government employment.

It is not intended to take any steps to give effect to any provisions of the Recommendation. The principle of equal remuneration is not acceptable.

*United Kingdom.*

There are no legislative provisions in the United Kingdom directly concerned with the matters dealt with in the Recommendation. Some of the matters to which the Recommendation relates, however, are in practice covered either by collective agreements or by provisions indicated below.

The Government has introduced the progressive application of the principle of equal remuneration in respect of its own non-industrial employees, but otherwise the assumption by the Government of the obligations contained in the Recommendation would not be appropriate to the system of industrial relations in this country.

*Paragraph 1 of the Recommendation.* Progressive implementation of equal remuneration for men and women in the non-industrial national government service has commenced with effect from 1 January 1955 and is in the course of implementation or under negotiation for many other classes of public employees including certain employees in local government service in the public education service and the national health service. The Government refers to the details given on this subject in its report on Convention No. 100.

*Paragraph 2.* Minimum wage rates are established under a statutory regulation in certain industries in accordance with proposals made by an independent wages board or council, consisting of representatives of the two sides of the industry in question together with a limited number of independent members. Though appointed by the Government, the wages board or council is an independent statutory authority; the Government has no power to amend its proposals, although the proposals may be referred back to the board or council by the Minister of Labour and National Service for reconsideration.

In general, the minimum rates of pay fixed by wages boards and councils are lower for women than for men whether or not they are engaged on similar work. There are, however, some exceptions to this general rule mentioned in the report on Convention No. 100.

In nationalised industries and other undertakings operated under public control, wages and conditions of employment are matters within the discretion of the appropriate board or commission and are not, therefore, a direct responsibility of a government. The practice as regards determination of wage rates in these industries is comparable to that in similar private undertakings and is similarly a matter for collective agreements.

In general, it may be said that in the field of manual employment there is frequent provision for the payment of equal remuneration to men and women engaged on the same work, for instance in the electricity supply industry. In recent years it has also been the practice of some public authorities to give equal remuneration to men and women in non-manual employment. All government contracts require the contractor to conform to the provisions of the Fair Wages Resolution of the House of Commons (a copy of which was attached to the report), which in practice require the contractor to pay rates of wages comparable to either those established for the trade or industry in question by collective bargaining or the general level of wages observed by other employers in similar circumstances.

*Paragraph 3.* Rates of remuneration being in general determined either by collective agreement within the industry or, in the case of certain industries, by wages council regulations, it would not be appropriate for the Government to make provision for the general application of the principle of equal remuneration for men and women by legal enactment.

*Paragraph 4.* The Government refers to the information given under Paragraphs 1, 2 and 3.

*Paragraph 5.* The adoption of methods of job evaluation is in general regarded as a matter for determination by the employers and workers concerned, but information on the techniques of such evaluation is freely available through the Personnel Management Advisory Service of the Ministry of Labour and National Service.

*Paragraph 6.* It is the policy of the Government to provide for women, to the extent required, facilities in services of the kinds referred to under this Paragraph and to take appropriate steps to encourage their use. Equal



access to jobs is promoted so far as is possible, having regard to industrial practice and conditions.

*Paragraphs 7 and 8.* A number of factual investigations of the implications of equal remuneration for men and women workers for work of equal value, particularly in regard to the Government's own employees, have been carried out by means of public inquiry since the first consideration of the matter by the MacDonnell Commission, 1912-1915. The most recent comprehensive review was that of the Royal Commission on Equal Pay, 1944-46, appointed by the Government in order "to examine the existing relationship between the remuneration of men and women in the public services, in industry, and in other fields of employment; to consider the social, economic and financial implications of the claim of equal pay for equal work and to report". A copy of the Commission's report was appended to the report of the Government.

The Government states that the fundamental difficulties which it encountered in implementing this Recommendation are not such as might be overcome by modifications of the Recommendation.

While equal remuneration is being progressively introduced in the non-industrial national government services, the matters covered by the Recommendation are in general dealt with by collective agreement or statutory regulation. The Government adds that it would not be appropriate to the system of industrial relations which obtains in the country for provision to be made by legal enactment to ensure their application.

#### *Uruguay.*

Act No. 9910 of 5 January 1940 to lay down rules respecting homework (*L.S.* 1940—Ur. 2).  
Act No. 10449 of 12 November 1943 to institute a system of wage boards.

See also under Convention No. 100.

The report adds that the provisions of Paragraph 1 (a) of the Recommendation are applied throughout the country and the provisions of subparagraph (b) to the central and the local government departments, for, although Uruguay is a unitary country, the departments retain complete juridical and financial autonomy.

In agreement with the provisions of Paragraph 2 the wage rates which are fixed by the wage boards set up under Act No. 9910 are the same for men and women. These wage boards consist of an equal number of representatives

of employers and workers, with a representative of the Executive as chairman. During the 15 years since the Act came into force this principle has never been violated. The laws which fix wage rates make no distinction between the sexes. It is true that almost all these laws refer to occupations which as a general rule employ men, and only exceptionally women.

The principles stated in subparagraphs (a) and (b) of Paragraph 6 are applied by the Act respecting vocational guidance, which makes no difference between the sexes. The Act respecting family allowances also makes no distinction between the beneficiaries, whether men or women, in cases where the woman is the head of the family (*subparagraph (c)*). The social and welfare services are used largely by women. Free access for women to various occupations and posts is guaranteed under the Constitution.

#### *U.S.S.R.*

See under Convention No. 100.

#### *Viet-Nam.*

Labour Code (Ordinance No. 15 of 8 July 1952).

Section 114 of the Labour Code, the Orders fixing guaranteed minimum wage rates, and the general regulations for work on the rubber plantations all ensure the application of the principle of equality of remuneration as between men and women workers for work which is equal in quantity and quality. The principle is also respected in the public services, where employees of either sex who are of the same grade receive the same salaries.

The Government states that it is at present considering what methods can be employed for the objective appraisal of the work to be performed in different occupations, with a view to classifying those occupations without regard to sex.

No difference is made between the sexes in vocational guidance or employment counselling, vocational training and placement. Workers of either sex have equal or similar facilities of access to various occupations and posts.

The enforcement of the legislation is entrusted to the labour officials and, where necessary, to public servants.

In the Government's view, the provisions of section 114 of the Labour Code are in agreement with those of the Recommendation, but it will only be possible to enforce the Recommendation effectively when the methods for establishing equivalence between different occupations have been clearly defined.

## **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 :

Austria  
Belgium  
Burma  
Canada  
Ceylon  
Chile  
Colombia  
Cuba  
Denmark  
Dominican Republic  
Finland  
France

Federal Republic  
of Germany  
Greece  
Iceland  
India  
Indonesia  
Ireland  
Israel  
Italy  
Japan  
Luxembourg  
New Zealand

Norway  
Pakistan  
Philippines  
Sweden  
Switzerland  
Turkey  
Union of South Africa  
United Kingdom  
Uruguay  
Viet-Nam  
Yugoslavia

The Government of Bulgaria stated, in respect of the reports which it has supplied, that these reports have been submitted to the Central Council of Occupational Unions.

The Government of Hungary stated that copies of the reports which it has supplied have been communicated to the Central Council of Trade Unions and to the managements of the different undertakings.

The Government of the Netherlands stated that copies of the reports which it has supplied have been communicated to the Labour Foundation, in which the chief organisations of employers and workers are represented.

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# **INTERNATIONAL LABOUR CONFERENCE**

**THIRTY-NINTH SESSION**  
**GENEVA, 1956**

**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, 1956**

**Price : 10 cents ; 6d.**

**09661**

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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 International Labour 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 Recommendation adopted by the Conference at its 37th Session, held in Geneva from 2 to 24 June 1954.

As the closing date of the 37th Session of the Conference was 24 June 1954, the period of one year provided for the submission to the competent authorities came to an end on 24 June 1955, and the period of 18 months on 24 December 1955.

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, 35th and 36th Sessions, held respectively in San Francisco from 17 June to 10 July 1948 and in Geneva from 8 June to 2 July 1949, 7 June to 1 July 1950, 6 to 29 June 1951, 4 to 28 June 1952 and 4 to 25 June 1953. 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 38th Session of the Conference and which could not, therefore, be laid before the Conference at that session.

The report contains a summary of the information received from governments up to the date of the meeting of the Committee of Experts on the Application of Conventions and Recommendations; the Committee examined, during its session from 15 to 28 March 1956, the communications received from the governments, as stated in its report.

### *List of Texts Adopted by the Conference at Its 31st to 37th 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).

## Summary of Information

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).

*37th Session (1954).*

Holidays with Pay Recommendation, 1954 (No. 98).

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Summary of Information relating to the Submission to the Competent Authorities of the Recommendation Adopted by the International Labour Conference at Its 37th Session (Geneva, 1954) and Supplementary Information relating to the Texts Adopted by the Conference at Its 31st, 32nd, 33rd, 34th, 35th and 36th Sessions (San Francisco, 1948 ; Geneva, 1949, 1950, 1951, 1952 and 1953)

*Austria*

On 3 December 1955 the Council of Ministers examined the report relating to Recommendation No. 98 ; the Council approved this report on 18 January 1956 and submitted it to the National Council.

*Belgium*

Recommendation No. 98 was communicated to Parliament on 14 July 1955, together with a statement by the Government, the text of which has been forwarded to the Office. This statement shows the attitude adopted by the Government with regard to this international instrument.

The statement by the Government, which contains a comparative analysis of the provisions of Belgian legislation and those of the Convention, concludes by saying that Belgium is not in a position at present to accept the provisions of the Recommendation.

*Byelorussia*

Recommendation No. 98 was submitted in June 1955 to the Council of Ministers of Byelorussia for examination.

*Brazil*

The Government has forwarded to the International Labour Office copies of a report drawn up by the Permanent Commission on Social Legislation, which deals with the Recommendations adopted by the Conference at its 36th, 37th and 38th Sessions and which concludes by outlining the measures recommended by the Government as regards the texts in question.

*Canada*

The text of Recommendation No. 98, accompanied by an Opinion of the Deputy Attorney-General of Canada, was laid before the House of Commons on 10 January 1955 and before the Senate on 11 January 1955. In the opinion of the Deputy Attorney-General the provisions of the Recommendation are partly within the authority of the federal Parliament and partly within the authority of the legislatures of the provinces. The text of the Recommendation, together with the accompanying Opinion of the Deputy Attorney-General, was communicated on 19 January 1955 to the Lieutenant-Governors of the provinces with a view to submission to the provincial governments.

*Ceylon*

The text of Recommendation No. 98 was laid before the House of Representatives on

20 January 1955 and to the Senate on 25 January 1955. This submission was not accompanied by any proposals. The Government is examining what action should be taken on this instrument.

*Chile*

The Government has submitted Recommendation No. 98 to Congress, but states that owing to the present stage of the national law and practice it is not in a position to give effect to all the provisions of the Recommendation.

*Colombia*

Recommendation No. 98 has been submitted to the Ministry of Labour.

*Cuba*

The text of Recommendation No. 98 has been brought to the attention of the Government, which considers that it is not necessary to amend existing legislation.

*Denmark*

The report of the Danish delegation to the 37th Session of the Conference, containing the text of Recommendation No. 98, was submitted to Parliament on 22 March 1955. This report was accompanied by a statement by the Ministry of Social Affairs. The Government indicates that the provisions in force in Denmark are in harmony with the essential principles laid down in the Recommendation and, as regards a number of points, are more favourable than these principles.

*Egypt*

The Government states that the text of Recommendation No. 98 is in complete conformity with the provisions relating to holidays with pay contained in Act No. 317 of 1952 respecting individual contracts of employment.

*Finland*

Recommendation No. 98 was presented to Parliament on 25 November 1955. In the proposals submitted by the Government to Parliament (a copy of which has been forwarded to the International Labour Office) it is stated that the legislation in force as regards holidays with pay ensures the practical application of all the provisions contained in the Recommendation and that the Government hopes to be able to submit draft legislation on the matters dealt with. As the purpose of this draft legislation would be to make certain amendments with a

view to giving effect to some of the points referred to in the Recommendation, the Government is of the opinion that further measures are not called for at the moment.

#### *France*

Recommendation No. 98 was submitted to Parliament on 10 November 1954.

#### *Federal Republic of Germany*

Recommendation No. 98 was submitted on 20 December 1954 to the federal Cabinet for a decision and for communication to the competent legislative authorities. This Recommendation, accompanied by proposals made by the Government, was laid before the *Bundestag* and the *Bundesrat* on 14 January 1956.

#### *Guatemala*

The Government stated that, owing to the abnormal circumstances existing in the country, it had not been able to submit to the Legislative Assembly, which is the competent authority, the texts of Conventions and Recommendations adopted by the International Labour Conference, but that it would be possible to do so during the month of March 1956, when the legislative body would be functioning.

#### *Hungary*

The Government submitted Recommendation No. 98 to the competent authority on 8 October 1954. According to information supplied by the Secretariat of the Council of Ministers—which constitutes the competent authority in this matter—the provisions of this Recommendation were applied in Hungary before the text thereof was adopted by the International Labour Conference.

#### *Iceland*

The text of Recommendation No. 98 has been submitted to Parliament without any proposal from the Government.

#### *India*

The text of Recommendation No. 98 was submitted to the two Houses of Parliament on 21 and 23 March 1955, as part of the Government's report on the 37th Session of the Conference. A statement by the Government, which was submitted to the two Houses on 16 and 20 December 1955, indicates the measures which the Government proposes taking as regards the Recommendation. A copy of the document containing the Government's proposals has been communicated to the Office.

#### *Iran*

The Government has supplied detailed information on the Act of 1949 which deals with matters covered by Recommendation No. 98.

#### *Ireland*

Recommendation No. 98 was submitted to the Government on 12 November 1954.

Its text has been communicated to Parliament and transmitted to the Government Department responsible for the promotion of legislation in respect of the matters dealt with in the Recommendation.

#### *Italy*

The necessary measures have been taken to submit Recommendation No. 98 to Parliament.

#### *Japan*

Recommendation No. 98 (translated into Japanese and accompanied by explanatory notes), was submitted to the Diet on 1 June 1955.

#### *Luxembourg*

Recommendation No. 98 was submitted to the Chamber of Deputies and the Council of State on 17 November 1954. With a view to giving effect to the provisions of this Recommendation, the services of the Ministry of Labour, Social Security and Mines have been requested to prepare draft amendments to the relevant legislation, to be submitted to the Chamber of Deputies for consideration after consultation with the Council of State.

#### *Mexico*

The Secretary of State for Labour and Social Welfare has requested the Secretary of State for the Interior to forward the text of Recommendation No. 98 to each of the state governments, so that the necessary measures may be taken when collective agreements are concluded. The Secretary of State for the Interior has forwarded a copy of the Recommendation to the governors of the states.

#### *Netherlands*

The Government has forwarded to the Office copies of a note which it submitted on 18 January 1955 to the President of the Second House of the States-General. This note sets out the Government's point of view as regards Recommendation No. 98.

#### *New Zealand*

The text of Recommendation No. 98 was reproduced in the report of the Government delegation to the 37th Session of the Conference which was submitted to the House of Representatives on 14 April 1955. The Government has adopted the Recommendation with certain modifications.

The Government adds that Recommendations Nos. 96 and 97 were submitted to the House of Representatives on 24 November 1953. The provisions contained in these two texts have been accepted by the Government.

#### *Norway*

The text of Recommendation No. 98 was submitted to Parliament in a report dated 25 March 1955, copies of which have been forwarded to the Office. On the proposal of the Minister for Social Affairs the Government

recommended that Norway should make certain reservations as regards its adherence to the principles laid down in this Recommendation. This proposal was adopted by the Norwegian Parliament on 20 June 1955.

#### *Philippines*

Recommendation No. 98 has been submitted to the President of the Republic, who has transmitted it to Congress for the enactment of appropriate legislation in the matter. A Bill embodying the relevant provisions of the Recommendation was introduced in the Senate during its last regular session but the Bill was not enacted before Congress adjourned.

#### *Portugal*

Recommendation No. 98 has been submitted to the competent authorities.

#### *El Salvador*

The Government has supplied detailed information regarding the legislation in force on the matters dealt with in Recommendation No. 98.

#### *Sweden*

Recommendation No. 98 was brought before Parliament in a Bill submitted on 7 January 1955. In this Bill the Minister for Social Affairs indicated that, as the legislation on holidays with pay at present in force in Sweden, the regulations, collective agreements and practice are in conformity with the provisions of the Recommendation, no legislative or other measures are required as regards this instrument. On 18 February 1955 Parliament accepted the proposals made by the Government. Copies of the various Parliamentary documents in question have been forwarded to the Office.

#### *Switzerland*

On 29 November 1955 the Federal Council approved terms for its report to the Federal

Assembly on the 37th Session of the Conference. Copies of this report have been forwarded to the Office. The report contains the text of Recommendation No. 98, as well as detailed information on the law and practice relating to the matters dealt with in this Recommendation.

#### *Turkey*

The Government has indicated that the text of Recommendation No. 98 was to be submitted to the Grand National Assembly of Turkey during the course of the budgetary discussions. The Government adds that a Bill on the lines of the Recommendation has already been submitted to the Grand National Assembly.

#### *Ukraine*

Recommendation No. 98 was submitted in June 1955 to the Council of Ministers of the Ukraine, in conformity with article 19 of the Constitution of the I.L.O.

#### *Union of South Africa*

Recommendation No. 98 has been submitted to the competent authorities. On 6 October 1955 the Executive Council decided that the law and practice in the Union of South Africa are not in full conformity with the provisions of the Recommendation, but that the enactment of further legislation cannot be contemplated for the moment.

#### *U.S.S.R.*

Recommendation No. 98 was submitted in May 1955 to the Council of Ministers of the U.S.S.R. for examination.

#### *Yugoslavia*

Recommendation No. 98 has been submitted to the competent authority with a view to its acceptance.





# **INTERNATIONAL LABOUR CONFERENCE**

**THIRTY-NINTH SESSION**

**GENEVA, 1956**

**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, 1956**

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## 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 26th Session in Geneva from 15 to 27 March 1956.

2. Since its last meeting a number of changes have taken place in the composition of the Committee. The death of Sir Atul CHATTERJEE has deprived the Committee of the services of one of its most senior and valued colleagues. The Committee paid tribute to his distinguished career, which was so largely devoted to the cause of social advancement, and to his many and devoted services to the International Labour Organisation. The Committee also learned with regret of the resignations of Mr. Helio LOBO, Mr. Friedrich SITZLER and Judge Charles E. WYZANSKI and thanked them for their valued collaboration in the past work of the Committee.

3. The Committee welcomed to its present meeting four new members appointed by the Governing Body during the past year: Mr. R. N. BANERJEE, Former Secretary in the Home Department and in the Department of Commonwealth Relations of the Government of India; Mr. G. BEITZKE, Professor of Civil Law and of Private International Law at the University of Göttingen in the Federal Republic of Germany; Mr. Paul M. HERZOG, Associate Dean of the Graduate School of Public Administration, Harvard University, United States; and Mr. A. Rodrigues QUEIRO, Professor of International Law at the University of Coimbra, Portugal.

4. 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. R. N. BANERJEE, C.S.I., C.I.E. (India),  
(Indian Civil Service); former Director of Industries and Secretary to the Government of the Central Provinces and Berar; former Member of the Central Provinces and Berar Legislative Council; former Secretary to the Government of India in the Department of Commonwealth Relations and in the Ministry of Home Affairs; former Member of the Council of State and of the Indian Legislative Assembly; Chairman of the Union Public Service Commission, 1949-55;

Mr. Günther BEITZKE (Federal Republic of Germany),  
Professor of Civil Law and of Private International Law at the University of Göttingen;

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);

Mr. E. GARCÍA SAYÁN (Peru),  
Former Professor of Civil Law at the University of Lima; former Minister of External Relations; Assistant Secretary-General of the Inter-American Bar Association.

Mr. Paul M. HERZOG (United States),  
Associate Dean, Graduate School of Public Administration, Harvard University; Chairman of the National Labor Relations Board (Washington), 1949-53; Chairman and Member of the New York State Labor Relations Board, 1937-44; Attorney-at-Law; Member of the United States Government Delegation to the International Labour Conference, 1950.

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, 1929-44;

Mr. Tomaso PERASSI (Italy),  
Judge at the Constitutional Court of 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;

Mr. Alonso Rodrigues QUEIRO (Portugal),  
Professor of International Law at the University of Coimbra; Member of the Chamber of Corporation; Member of the International Institute of Administrative Science;

Mr. William RAPPARD (Switzerland),

Professor at the University of Geneva; Honorary 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. 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.

5. All members were present at the session, with the exception of Mr. GARCÍA SAYÁN who, to the Committee's regret, was unable, owing to pressure of business in his own country, to attend.

6. The Committee elected Mr. TSCHOFFEN as Chairman and Mr. KIRKALDY as Reporter of the Committee. Mr. ADAMS, Baron VAN ASBECK and Mr. SØRENSEN acted as Reporters on questions affecting non-metropolitan territories. Mr. SØRENSEN also 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 called upon, in accordance with its terms of reference, 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 two unratified Conventions and on two Recommendations selected by the Governing Body.

8. The volume of work coming before the Committee has continued as in past years to grow with the adoption and coming into force of additional Conventions, with the registration of new ratifications and with the receipt of further declarations concerning the application of Conventions in non-metropolitan territories. Five additional Conventions came into force in 1955, bringing the total number of Conventions now in force to 85. Sixty-five new ratifications were registered in 1955, bringing the total number of ratifications at the end of 1955 to 1,527. The number of new declarations affecting non-metropolitan territories which were communicated to the Director-General during 1955 was 189, of which some two-thirds provide for application of the Convention in question without modification to the non-metropolitan territory concerned.

9. The total number of reports and other items of information submitted by governments under the various provisions of the Constitution referred to in paragraph 7 above and coming before the Committee this year for examination exceeded 4,000.

10. The task assigned to the Committee has three main aspects. It relates in the first place to an examination by the Committee of the action taken by governments to submit to the competent national authorities the Conventions and Recommendations adopted by the Conference. In the second place it involves an examination by the Committee of the extent to which national law and practice in the States which have ratified Conventions are in conformity with the Conventions in question. In the third place the Committee is called upon to examine in relation to certain subjects selected from time to time by the Governing Body the state of the law and practice in the various countries in regard to the matters dealt with in unratified Conventions and in Recommendations. The Committee's general comments and detailed observations on each of these matters are set out in later sections of this report and in the appendices attached thereto.

11. One of the purposes which the reports under article 19 which governments are called upon to submit from time to time on certain unratified Conventions and Recommendations were intended to serve was to obtain a comprehensive picture of the state of the law and practice in all countries on certain important matters falling within the competence of the International Labour Organisation. The Committee has been conscious for some time of the difficulties in obtaining such a comprehensive picture so long as consideration of the reports under article 19 was rigidly separated from consideration of the reports submitted under article 22 by governments which have ratified the Conventions. The Committee was therefore interested to note that at its 130th Session (November 1955) the Governing Body approved certain suggestions designed to lead to a clearer picture of the law and practice in the various countries on the matters dealt with in certain Conventions and Recommendations. The Governing Body also felt that if this were done it would facilitate the debate of the Conference Committee's report in plenary sitting of the Conference. It considered that this might be achieved by including in the report of the Conference Committee a study of the over-all position in regard to the application of certain important Conventions and Recommendations by all the member countries of the Organisation, on the basis both of the reports under article 19 of the Constitution which are before any particular session of the Conference, and of the annual reports under article 22 which ratifying States are required to supply on the Conventions concerned. The procedure thus suggested had previously been endorsed by the Conference Committee in June 1955, which felt that "it might lead to interesting results" and that "an attempt could be made on an experimental basis, as the studies in question might usefully supplement the Committee's traditional work in regard to the application of ratified Conventions". The Conference Committee expressed the hope that the Committee of Experts would find it possible to examine the various reports received on unratified Conventions and on Recommendations this year under article 19 of the Constitution along with the corresponding reports received under article 22 on ratified Conventions in such a way as to provide a basis for an over-all discussion of the matters dealt with in the texts in question. The Committee has endeavoured to give effect to this request. Accordingly, in Appendix IV A to this report (General Remarks on Conventions and Recommendations with Regard to Which Reports Were Requested under Article 19 of the Constitution), the Committee has had regard

not only to the reports supplied by governments under article 19, but also to the reports on the Conventions in question supplied under article 22 by governments which have ratified the Conventions.

12. The Committee has on many occasions emphasised the assistance which employers' and workers' organisations can give it, particularly in regard to assessing the extent of practical application of ratified Conventions. 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 Committee is pleased to note the growing extent to which governments have given effect to this obligation. Six Governments (those of Afghanistan, Bolivia, Burma, Iraq, Poland and Syria), however, do not indicate that they have communicated copies of their annual reports under article 22 to the representative organisations. The Liberian Government states that employers' and workers' organisations are still in the formative stage. The Czechoslovak and Chinese Governments indicate that their reports have been communicated to workers' organisations.

13. Governments are also requested to state in their annual reports on ratified Conventions whether they have received any observations from employers' and workers' organisations on the practical application of the Conventions. The Committee was pleased to note that the Governing Body, acting on a suggestion put forward by the Conference Committee in 1955, decided to supplement the existing question put to governments on this matter so that in future years it will read as follows:

"Please state whether you have received from the organisations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical fulfilment of the conditions prescribed by the Convention or the application of the national law implementing the Convention."

Meantime, the Committee was also pleased to note the increasing interest taken by the representative organisations in this matter as evidenced by the fact that four countries (Austria, Finland, France, Norway) refer in their annual reports on ratified Conventions to observations made by employers' or workers' organisations.

14. At the request of the Director-General of the International Labour Office the Com-

mittee considered certain problems in connection with the summary of annual reports submitted by governments under articles 22 and 35 of the Constitution on ratified Conventions and on the application of Conventions to non-metropolitan territories which the Director-General is required each year, in accordance with article 23, paragraph 1, of the Constitution, to submit to the International Labour Conference.

15. The amount of information which requires to be summarised and presented to the Conference each year continues to grow and the Director-General has already found it necessary to take action to prevent the volume containing the information in question from reaching unmanageable proportions. In recent years, therefore, the information presented in the summary has been limited to cases where a government has supplied a first report after ratification of a Convention or where new information has become available as a result of changes in the existing legislation or where particulars of practical application, such as statistical data, etc., have been provided and where replies have been received from governments to observations made by the Committee of Experts or the Conference Committee.

16. Despite these endeavours to limit the size of the summary, it has still continued to grow and in 1955 consisted of a volume of nearly 500 pages in foolscap size in each of the three languages.

17. It was pointed out to the Committee that the new procedure had therefore not been successful in bringing the volume down to manageable proportions and that the measures taken to reduce its size had also had other unsatisfactory consequences. Thus, in cases where the information provided does not relate to a first report after ratification of a Convention, the information available in the summary is usually limited to isolated pieces of new information which come to hand in a particular year. Unless that information is added to the corresponding data contained in a whole series of previous volumes, it becomes impossible to form a picture of the present position in a particular country in relation to a particular Convention.

18. Having regard to the fact that the Director-General is bound by article 23, paragraph 1, of the Constitution, the Committee considers that, in the present situation, every effort should be made to reduce the volume in question. It appeared to the Committee that this is essential if waste of time and money in the preparation and printing of the volume are

to be prevented and if it is to be of a nature which will present information in a useful and usable form.

19. One solution which was suggested and which commended itself to the Committee was that the volume to be presented each year to the Conference should contain a clear statement, although necessarily in abbreviated form, of the situation existing in the ratifying countries in relation to the Conventions in some chosen field, while including only very brief information for the other Conventions, such as a summary of first reports, mention of important new legislation, replies to observations made by the Committee of Experts and the Conference Committee, etc.

20. It appeared to the Committee that a solution along these lines would, over a series of years, provide a thorough review of the situation existing in the ratifying countries as regards all the Conventions, instead of providing each year information which, though covering all the Conventions, is in such an abbreviated and fragmentary form as to be of little practical value in relation to any Convention. Various practical problems will also arise if such a solution is adopted, e.g. the arrangements to be made for choosing the Conventions which in any given year will be included for detailed consideration in the summary and the cycle of years over which the Conventions will be distributed so as to provide a full review of all the Conventions.

### III. REPORTS SUBMITTED BY GOVERNMENTS ON RATIFIED CONVENTIONS

#### (a) *Supply of Annual Reports*

21. The reports which came before the Committee this year related to the period 1 July 1954 to 30 June 1955. The Committee also had before it a number of reports for the preceding year which arrived too late for examination by it or at last year's session of the International Labour Conference. For the period 1954-55 the governments were called upon to supply a total number of 1,234 annual reports in respect of the application of 79 Conventions then in force for 60 States. Up to the date of the present session of the Committee the Office had received 1,118 reports (i.e. 90.5 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 of the meeting of the Committee and also those received by the date of the session of the International Labour Conference.

22. While the Committee notes that the high percentage of reports received last year has been almost fully maintained, and the proportion received this year is thus the second highest in the post-war period, the Committee regrets the small number of reports, i.e. 283, received by 15 October 1955, which was the date by which governments were requested to supply them. The Committee would again urge governments to make every endeavour to supply reports by the dates requested and so facilitate the whole procedure which these reports are designed to serve.

23. Of the 60 countries which were called upon to supply reports, 46 submitted all those requested. On the other hand, no reports at all have so far been received for the year in question from six countries: Albania, Guatemala, Indonesia, Spain, Venezuela and Viet-Nam.

24. First reports due since ratification of the relevant Conventions were received from—Australia (No. 45); Austria (Nos. 12, 99, 100); Belgium (Nos. 88, 97, 98); Bolivia (Nos. 5, 14, 19); Brazil (No. 92); Cuba (Nos. 21, 29, 52, 58, 96); the Dominican Republic (Nos. 79, 81, 88, 89, 98, 100); Egypt (Nos. 2, 11); France (Nos. 89, 96, 100); Israel (Nos. 77, 78, 79, 90, 101); Italy (No. 96); Japan (Nos. 81, 88, 98); Mexico (Nos. 99, 100); New Zealand (No. 101); Norway (No. 30); Pakistan (No. 81); the Philippines (Nos. 87, 88, 89, 90, 94, 95, 98, 99, 100); Poland (Nos. 69, 92); Sweden (No. 101); the United Kingdom (Nos. 92, 99); the United States (No. 74); and Yugoslavia (No. 52). On the other hand, the three countries which were due to supply first reports on certain Conventions have failed to do so, i.e. Guatemala (Conventions Nos. 77, 78, 79, 81, 86, 87, 88, 89, 90, 94, 95, 96, 97, 98), Israel (Nos. 94, 97), and Viet-Nam (Nos. 27, 29, 45, 52). In view of the importance attaching to a detailed examination of first reports, the Committee particularly regrets this omission and trusts that the countries in question will not fail to supply the reports in good time for examination by the Committee at its next session.

25. Voluntary reports (reports on Conventions which are not in force for the country concerned) were submitted by Belgium (Conventions Nos. 54, 57), Egypt (No. 98), New Zealand (Nos. 47, 61, 82), the Sudan (No. 29), and Uruguay (No. 98).

#### (b) *Examination of Reports by the Committee*

26. In making its detailed examination of the reports submitted by governments on ratified Conventions, the Committee has continued its previous practice under which such reports as were received by the Office in sufficient time were allocated to individual members of the Committee and circulated to them in advance of the session for examination by them before coming to Geneva. The observations both of a general nature and 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, A and B.

### IV. APPLICATION OF CONVENTIONS IN NON-METROPOLITAN TERRITORIES

#### *Introduction*

27. In conformity with its terms of reference the Committee was called upon to examine again this year the reports furnished by the Members—

- (a) on the application of all ratified Conventions in non-metropolitan territories;
- (b) in a certain number of cases, on the application of Conventions the provisions of which have been accepted in the name of a non-metropolitan territory although the Convention itself has not been ratified by the Member responsible for the international relations of such territory.

28. As in the case of the other reports supplied under article 22 of the Constitution the reports on non-metropolitan territories submitted to the Committee this year covered the period from 1 July 1954 to 30 June 1955. The number of reports expected for this period totalled 3,558; these reports dealt with the application of 68 Conventions in 96 non-metropolitan territories. Up to the date of the present session of the Committee the International Labour Office had received 2,746 reports, i.e. slightly more than 77 per cent. of the reports expected, whereas for the preceding period the percentage at the same time was only 73 per cent. Appendix II C contains a table showing the reports received, classified by territory and by Convention. Among the reports received by the Committee this year were more than 400 first reports and, in particular, for the first time reports relating to certain non-metropolitan territories of the United States (Panama Canal Zone), France (Comoro Islands) and the United Kingdom (Guernsey, Jersey and the Isle of Man).

29. The Committee is pleased to note that the proportion of reports received this year shows a marked progress over last year. For example, Australia, Belgium, Denmark and New Zealand have submitted all the reports expected. Moreover Italy has submitted all the reports respecting the application of Conventions in the Trust Territory of Somaliland, with one exception, and the proportion of reports received from France and the Netherlands exceeded respectively 87 and 79 per cent. The Committee is, however, disappointed to note that many reports on the application of Conventions in non-metropolitan territories were received a very short time before the opening of its present session. It is, of course, aware of the considerable difficulties with which Members must cope in sending such a large number of reports within a relatively short time and it has been particularly impressed by the fact that one of the Members alone, the United Kingdom, which has supplied 72 per cent. out of the number of reports expected, was called upon to send more than 2,000 reports, i.e. almost as many as the total number of reports requested from all the other Members of the Organisation. While appreciating the organisational effort required for the transmission of such a large number of reports, the Committee feels bound nevertheless to appeal to all the governments concerned to do their utmost to ensure that the reports on the application of Conventions in the non-metropolitan territories arrive in good time. The Committee's observations on the application of Conventions in non-metropolitan territories will be found in Appendix II, A and B, of the present report.

#### *Presentation of Reports*

30. The Committee notes with satisfaction that the progress in the manner of presenting reports, already mentioned on previous occasions, has continued this year. Generally speaking, the reports which have been submitted follow more closely the forms of report adopted by the Governing Body. More and more reports contain information on the practical application of Conventions and, in certain cases, information on observations made by the employers' and workers' organisations with regard to the manner in which the laws and regulations to give effect to the Conventions are applied.

#### *Communication of Reports to the Local Employers' and Workers' Organisations*

31. At its previous sessions the Committee had noted that a number of governments regularly communicated copies of reports on

non-metropolitan territories which they submitted to the International Labour Office to the local employers' and workers' organisations, where such exist. The Committee, which had expressed the hope that this practice would also be followed by other governments, is pleased to note that this year, in the great majority of cases, the reports have been communicated to the local organisations or, in the absence of a sufficiently representative local organisation, to the joint bodies on which the employers and workers of the territory are represented. The Committee expresses the hope that all governments will adopt this practice and thus enable the employers and workers of the territories to participate in its work.

#### *Chart on the Application of Conventions in Non-Metropolitan Territories*

32. In 1955, on the occasion of the thorough examination undertaken every five years of the progress made in the application of Conventions in non-metropolitan territories, the Committee had presented a chart (Appendix V to its report for 1955) showing side by side for each territory and each Convention the formal declaration registered and the degree of application of the Convention, in so far as it was able to assess this on the basis of the reports furnished by governments during the preceding five years. In this connection, the Committee notes that the Conference Committee at the 38th Session of the Conference expressed the hope that this chart might be brought up to date this year to include the additional information supplied by governments. The Committee has not been able to carry this out during the present session. As has already been pointed out, a sizable number of reports relating to non-metropolitan territories reached the International Labour Office a short time only before the beginning of the Committee's session. Moreover, it seems to the Committee that governments had not sufficient time to enable them to study the information in this chart and to communicate in good time the results of this examination, as the Committee requested last year in paragraph 41 of its report. Finally, in view of the fact that next year the Committee will be required for the first time to examine the reports on the application in a large number of territories of two particularly important Conventions, the Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82) and the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85), it feels that it would be very desirable that its findings on the application of these two fundamental Conventions should be included in the chart. For this reason, the Committee finds it preferable



to wait until next year in order to be able to take a greater number of new data into account.

33. The Committee also notes, in connection with the chart of application of Conventions in non-metropolitan territories, that in 1955 certain members of the Conference Committee expressed the desire that "the indications appearing in this chart might be simplified as far as possible". As the Committee pointed out in its report for last year, the preparation of a chart of this nature must satisfy two contradictory requirements. On the one hand it must contain the greatest possible amount of information and take a great variety of situations into account, and on the other hand the information contained in the chart must be simplified to the greatest possible degree, failing which it will be of no practical use. Next year, therefore, the Committee will make every effort to satisfy the request made by certain members of the Conference Committee, without losing sight of these two essential requirements.

#### *Variety in Status of Non-Metropolitan Territories*

34. In 1955 the Committee emphasised that the conception of non-metropolitan territories as defined in article 35 of the Constitution of the International Labour Organisation is sufficiently wide and flexible to embrace widely divergent forms of constitutional status and of association between States or territories. It pointed out in this connection the two most common opposite forms, but it feels that it should stress that these indications given by way of example do not cover all the possible situations. Thus there are, in particular, certain situations in which territories which, under the national Constitution of the Member, form an integral part of the national territory of that State, have complete self-government, including the power to decide whether or not measures are to be taken for giving effect to an international labour Convention.

#### *Declarations of Application Registered*

35. The Committee took note with interest of the important number of declarations under article 35 which have been communicated to the Director-General of the International Labour Office since its last meeting. Thus Belgium sent declarations on the application of four Conventions (Nos. 11, 14, 26, 94), and Denmark of two Conventions (Nos. 58, 102), to their non-metropolitan territories; France sent declarations on the application of 39 Conventions to the four Overseas Departments. The Netherlands accepted the provisions of seven Conventions on behalf of the Netherlands Antilles,

and of three Conventions on behalf of Surinam; it also communicated six other declarations relating to Netherlands New Guinea. Finally, the United Kingdom accepted the provisions of four Conventions (Nos. 70, 95, 97, 99) on behalf of the Isle of Man, two Conventions (Nos. 95, 97) on behalf of Jersey and one Convention (No. 97) on behalf of Guernsey. The Committee is glad to note the constant progress achieved each year in this field.

#### V. SUBMISSION TO THE COMPETENT AUTHORITIES OF THE CONVENTIONS AND RECOMMENDATIONS ADOPTED BY THE INTERNATIONAL LABOUR CONFERENCE

36. In conformity with its terms of reference the Committee this year—as in previous years—examined the information supplied by the different Members as regards the three questions dealt with below:

- (a) measures taken in application of article 19 of the Constitution to bring before the competent authorities the Holidays with Pay Recommendation, 1954 (No. 98), adopted by the Conference at its 37th Session (1954); since this session of the Conference the maximum period of 18 months laid down by the Constitution has expired;
- (b) supplementary information supplied by Members on the measures taken by the competent authorities in respect of the Conventions and Recommendations adopted by the Conference in the course of its 31st (1948) to 36th (1953) Sessions;
- (c) replies from governments and supplementary information supplied in response to the observations made by the Committee in 1955.

37. Between the end of the last session of the Committee and its present session, out of a total of 69 States which were Members of the Organisation in 1954, 60 have supplied information on this question.<sup>1</sup> These States are—Afghanistan, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Byelorussia, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Denmark, the Dominican Republic, Ecuador, Egypt, Finland, France, the Federal Republic of Germany, Greece, Guatemala, Haiti, Hungary, India, Indonesia, Iran, Iraq, Iceland, Ireland, Israel, Italy, Japan, Lebanon, Liberia, Libya, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Pakistan, Panama, the Philippines, Poland, Portugal, El Salvador, Sweden, Swit-

<sup>1</sup> Some of this information was supplied at the last session of the Conference.

zerland, Turkey, Ukraine, the Union of South Africa, the Union of Soviet Socialist Republics, the United States, Uruguay and Yugoslavia.

38. Some of these Governments, in particular those of Argentina, China, Costa Rica, Indonesia, Lebanon, Liberia, Libya and Panama, have limited their information to statements to the effect that the measures provided for in article 19 have been or are about to be taken and that additional information will be supplied at a later date. On the other hand, the Committee has noted with satisfaction that in a number of cases the information supplied by governments is fuller and more precise than that which was supplied in previous years. The Committee has also noted that a considerable number of Members have taken account, in the information which they have supplied, of the details included in the *Memorandum concerning the Obligation to Submit Conventions and Recommendations to the Competent Authorities* adopted by the Governing Body. The Committee hopes that in future there will be an increase in the number of governments which supply the information requested in this Memorandum, so as to give a clear picture to the Conference of the extent to which Members have complied with the undertakings laid down in article 19 of the Constitution.

39. Once again the Committee wishes to draw the attention of the governments of Members to the fact that they are required to submit to the competent authorities all the Conventions and Recommendations adopted by the Conference and not only those Conventions which they consider they are likely to be able to ratify or those Recommendations which they consider should be implemented. The fact that the legislation is in conformity with the provisions of a Recommendation (as is shown to be the case, in certain countries, according to the information supplied as regards the Holidays with Pay Recommendation, 1954 (No. 98)) does not free governments from the obligation to submit the Recommendation to the competent authorities. The practice followed by some governments, as is shown by the information supplied to the Committee, is in keeping with these considerations, and the Committee hopes that each government which, for any reason whatever, is not in a position to propose to the competent authorities the enactment of any legislative or other measures to give effect to a Convention or a Recommendation will nevertheless submit the text of the Convention or Recommendation in question to the competent authorities, so that they may not only examine the text but

also express an opinion on the government's attitude. In addition, the Committee must again draw attention to the fact that the "competent authority" within the meaning of article 19 of the Constitution is the national authority which is vested in a permanent way with the power to enact legislation on the subject matter of Conventions and Recommendations. In this connection the Committee draws the particular attention of governments to Parts II and III of the Governing Body's Memorandum.

40. The Committee was glad to learn of the special interest attached to this question by the Conference Committee at the 38th Session of the Conference (1955); it noted, in particular, that the Conference Committee stated in its report that "as a consequence of the discussion which took place in this respect with a number of Government representatives, some of them seemed to have reached a fuller understanding of the exact significance of the obligation to bring Conference decisions before the competent authorities". The Committee can only express the hope that discussions on the lines of those which took place on this question in 1955 will also take place in the course of other sessions of the Conference, in particular as regards the situation of 13 Members which are listed below (paragraph 48) and which, up to the present, have not submitted to the competent authorities any of the texts adopted by the Conference since its 31st Session. As pointed out by the Conference Committee in its report, a thorough discussion on this question with the representatives of each of the States in question should in a number of cases dispel the misunderstandings which have subsisted for several years as regards this fundamental aspect of the system established by the Constitution.

41. The Committee would also draw the particular attention of those governments which have not complied with article 23, paragraph 2, of the Constitution to the requirement under that article to communicate to the representative organisations of employers and workers a copy of the information supplied to the International Labour Office regarding submission of Conventions and Recommendations to the competent authority. The Committee regrets to note that the standard of compliance in regard to this obligation still falls short of that in relation to the corresponding obligation regarding reports under article 22 of the Constitution.

42. The Committee also took note of the suggestion contained in paragraph 47 of the report of the Conference Committee in 1955, to the effect that the possibility might be considered of preparing a table which would

give for each of the Members an indication of the authority considered as the competent authority within the meaning of article 19 of the Constitution. In view of the fact that—as pointed out by the Conference Committee—the competent authority in some States is liable to vary according to the nature of the questions dealt with in Conventions and Recommendations, the Committee is of the opinion that the information at present at its disposal does not enable it for the moment to prepare a sufficiently exact table. However, if all governments will be good enough to supply, at an early date, the information requested in the special Memorandum adopted by the Governing Body, the Committee hopes that in a future year it will be in a position to prepare a comprehensive table.

43. As in previous years, the Committee has included in Appendix III of its report the individual observations which it considers should be submitted on the information which has been supplied by various governments (Appendix III A). Appendix III also contains three tables. The first of these (Appendix III B) shows the situation in each of the member States as regards submission to the competent authorities of the Conventions and Recommendations adopted by the Conference since its 31st Session (1948); in the other two tables (Appendix III C), figures are given showing the situation as a whole of States Members of the Organisation as regards the obligations laid down in article 19 of the Constitution.

44. This year the number of States in which the texts adopted by the Conference have been submitted, in virtue of article 19 of the Constitution, to the authorities considered by the government as competent is 26 (as compared with 24 last year). These States are as follows : Austria, Byelorussia<sup>1</sup>, Canada, Ceylon, Denmark, Finland, France, the Federal Republic of Germany<sup>2</sup>, Hungary, Iceland, India, Ireland, Italy, Japan<sup>3</sup>, Luxembourg, the Netherlands, New Zealand, Norway, the Philippines, Sweden, Switzerland, Turkey, Ukraine<sup>4</sup>, the Union of South Africa, the U.S.S.R.<sup>5</sup>, and Yugoslavia. To these 26 States should be added eight States which have submitted to the authorities which they consider as competent all the Conventions

and Recommendations which they were called upon to submit, with the exception of a single text, namely Portugal (Recommendation No. 88, adopted at the 33rd Session of the Conference), and Afghanistan, Australia, Burma, Colombia, the United Kingdom, the United States and Viet-Nam (Recommendation No. 98, adopted at the 37th Session of the Conference). Finally, Belgium, Pakistan and Thailand have submitted to their national competent authorities all the Conventions and Recommendations adopted by the Conference except, as regards the first of these countries, three Conventions and, as regards the last two, three Recommendations. It therefore appears that at present, out of a total of 69 States which constituted the Members of the International Labour Organisation in 1954, 37 have almost completely complied with the obligations laid down in article 19 of the Constitution of the International Labour Organisation.

45. The first of the two tables contained in Appendix III C gives the number of States which have submitted Conventions and Recommendations to the authorities considered as competent within the prescribed time limits. It would therefore appear from the information supplied that, out of the 69 States which were Members of the Organisation at the 37th Session of the Conference in 1954, 29 have submitted to the authorities considered by the government as competent the Recommendation adopted by the Conference at the above-mentioned session. These States are : Austria, Belgium, Byelorussia, Canada, Ceylon, Chile, Denmark, Finland, France, the Federal Republic of Germany, Hungary, Iceland, India, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, the Philippines, Portugal, Sweden, Switzerland, Turkey, Ukraine, the Union of South Africa, the U.S.S.R. and Yugoslavia. While the Committee cannot claim to be satisfied with the position in this respect, as less than 45 per cent. of States have complied with their obligations within the prescribed time limits, it nevertheless wishes to point out that some progress has been made, as in 1950 only 16 States, i.e. a little over 25 per cent. of States which were Members at this time, had submitted to the competent authorities, within the prescribed time limits, the texts adopted by the Conference at its 31st Session in 1948, and that subsequently the number of States which have complied with this obligation within the required time limit has increased regularly each year.

46. In this connection, the Committee is well aware of the difficulties encountered by some governments respecting the time limit laid down in article 19 of the Constitution, in

<sup>1</sup> Byelorussia became a Member of the International Labour Organisation in 1954.

<sup>2</sup> The Federal Republic of Germany became a Member of the International Labour Organisation at the 34th Session of the Conference (1951).

<sup>3</sup> Japan resumed membership of the International Labour Organisation at the end of 1951.

<sup>4</sup> Ukraine became a Member of the International Labour Organisation in 1954.

<sup>5</sup> The U.S.S.R. resumed membership of the international Labour Organisation in 1954.

view of the fact that—as pointed out in the report of the Conference Committee in 1955—the texts of Conventions and Recommendations must be translated into the national language of each State before the government can submit them to the competent authority. At the same time the Committee wishes to point out that, as regards the Spanish-speaking States, the problem of the translation of the authentic texts should not constitute any difficulty, as each year the Spanish translation of these texts is forwarded to the governments concerned, together with the authentic texts in French and English.

47. The second table which is given in Appendix III C of the present report shows that, although the situation is far from satisfactory, an increasing number of States endeavour, within a period the length of which varies, to comply with their constitutional obligations. Thus, out of 60 States which were Members of the Organisation at the 31st Session of the Conference in 1948, 40 States have submitted to the authorities which they consider as the competent authorities all the texts adopted by the Conference at the above-mentioned session and five further States have complied with this obligation at least in part.

48. While, as regards the Members in general, the Committee has been pleased to point out the constant progress which has been noted as regards compliance with the obligations laid down in article 19 of the Constitution, it must nevertheless draw attention to the situation in 13 member States: Albania, Argentina, China, Costa Rica, Ethiopia, Indonesia, Lebanon, Liberia, Libya, Panama, Peru, El Salvador and Venezuela, which have not yet brought before the competent authorities any of the texts which they were called upon to submit; the Committee is obliged to draw special attention to the cases of Albania, Ethiopia, Peru, El Salvador and Venezuela, which did not supply any information in this respect to the 38th Session of the Conference in 1955. The Committee addresses an urgent appeal to these Governments and hopes that at an early date they will—as has been done by the great majority of States—comply with the obligations laid down in article 19 of the Constitution.

## VI. REPORTS SUBMITTED BY GOVERNMENTS ON UNRATIFIED CONVENTIONS AND ON RECOMMENDATIONS

### (a) *Supply of Reports*

49. This year is the seventh 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 relate to the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Collective Agreements Recommendation, 1951 (No. 91), the Equal Remuneration Convention, 1951 (No. 100) and the Equal Remuneration Recommendation, 1951 (No. 90).

50. The total number of reports requested on these Conventions and Recommendations was 252. The total number received by the time the Committee met was 160, i.e. 63.5 per cent. A table showing in detail the number of reports supplied by the various governments will be found in Appendix IV B.

51. The proportion of reports received this year again shows an improvement on previous years. It still represents, however, a considerably smaller proportion than the reports received in regard to ratified Conventions. The Committee trusts that with the passage of time governments will become more aware of the binding nature of the obligation to submit these reports as called for by the Governing Body.

### (b) *Examination of Reports by the Committee*

52. As in the case of the reports submitted by the governments under article 22 on ratified Conventions, the reports on unratified Conventions and on Recommendations were examined by individual members of the Committee and their general conclusions, which were approved by the Committee as a whole, will be found in Appendix IV A. As explained above (paragraph 11) these general conclusions also include a survey of the position in regard to the matters dealt with in countries which have ratified the Conventions in question and submitted reports thereon under article 22 of the Constitution.

53. In its examination of reports on unratified Conventions and on Recommendations, the Committee has experienced difficulty in connection with the reports submitted by the governments of certain federal States in determining whether the subject matter of the Conventions and Recommendations in question falls within the competence of the federal authority or of the constituent states, provinces, etc. For example, it will be noted from the Committee's General Remarks on the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), (see Appendix IV A) that four such federal States (Austria, the Federal Republic of Germany, the U.S.S.R. and Yugoslavia) gave no explicit information on this point. The Committee would be grateful if the governments of all federal States would in future give clear and

specific information in reply to the question on this subject which is contained in the forms of report on unratified Conventions and on Recommendations, so as to enable a clear picture to be obtained of the exact division for competence in labour matters between the federal and constituent authorities.

\* \* \*

54. The Committee expresses its appreciation of the services rendered to it by all members of the staff of the International Labour Office who were concerned with the preparations for the meeting of the Committee and with its work during its present session. The excellent

preparatory work done by them was of an especially helpful nature. Their special skill and knowledge in relation to the matters coming before the Committee were placed fully at the Committee's disposal and with their assistance alone has the Committee been able to prepare and present this report to the Governing Body.

Geneva, 27 March 1956.

*(Signed)* P. TSCHOFFEN,  
*Chairman.*

H. S. KIRKALDY,  
*Reporter.*

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## APPENDICES

### APPENDIX I

#### OBSERVATIONS AND REQUESTS FOR SUPPLEMENTARY INFORMATION CONCERNING ANNUAL REPORTS ON RATIFIED CONVENTIONS (ARTICLE 22 OF THE CONSTITUTION)

##### A. General Observations

*Afghanistan.* The Committee would be glad if the Government would indicate whether copies of its reports, the first received in two years, have been communicated to the representative organisations of employers and workers as laid down in article 23, paragraph 2, of the Constitution.

*Albania.* The Committee notes with much regret that once again no reports have been received, despite the formal promise made by Government representatives to the Conference Committee both in 1954 and in 1955. In the absence of such reports since 1939, no information whatever is available on the effect given by Albania to the four Conventions by which she is bound and the Committee can only reiterate its earnest hope that the Government will in future comply with article 22 of the Constitution, which calls for the submission of annual reports by the ratifying States.

*Bolivia.* The Committee would appreciate it if the Government would be good enough to indicate whether copies of its reports have been communicated to the representative organisations of employers and workers, as provided for in article 23, paragraph 2, of the Constitution.

*Bulgaria.* As the reports on the 55 Conventions by which Bulgaria is bound arrived only in the course of its session, the Committee was not in a position to undertake an examination of them. It suggests, therefore, that these reports be referred to the Conference Committee for study and trusts that the Government will find it possible to submit its reports for the next period by the date requested.

*Burma.* The Committee finds that most of the Government's reports do not contain any information on the practical application given to the Conventions. It would be glad, therefore, if the Government would be good enough to supply such information in future, as requested in the forms of report.

The Committee would also appreciate it if the Government would indicate whether copies of the reports have been communicated to the representative organisations of employers and workers, as provided for in article 23, paragraph 2, of the Constitution.

*China.* The Committee was glad to note that reports have been supplied, after a number of years, on seven of the 13 Conventions by which China is bound. The Committee's observations as regards certain of these reports will be found below.

The Committee hopes that the Government will supply the six reports still due at an early date.

*Colombia.* The Committee wishes to thank the Government for the additional information it was good enough to supply as regards the practical application of certain Conventions and hopes that similar information can be included in the future reports on other Conventions.

The Committee took note with particular interest of the statement communicated by the Government to the Conference Committee in 1955 concerning the constitutional position in Colombia as regards ratified Conventions. It noted that a ratified Convention becomes automatically a law of the Republic, thus repealing any previous law or provision contrary to the standards set by the Convention, and that any conflicting provisions must at the request of any person or association be repealed by means of "an urgent and summary decision" of the Supreme Court of Justice. The Committee agrees with the Government's statement that, while this procedure might be satisfactory in the case of Conventions which do not call for positive legislative action ("self-executing" Conventions), the same does not apply in the case of Conventions which do require positive action on the part of the Government. The Committee was most interested therefore to learn of the Government's statement that it recognises that it could take action in such cases by means of regulations.

The Committee ventures to point out in this connection that the various Conventions by which Colombia is bound were ratified in 1933, whereas the Labour Code now in force was adopted in 1950. In these circumstances some doubt arises whether under the constitutional procedure outlined above the provisions of these ratified Conventions would take precedence over conflicting provisions of the Labour Code adopted some years after the ratification of the Conventions in question. This doubt is illustrated by the various observations made below in

regard to a number of Conventions and the Committee would be most grateful if the Government would be good enough to indicate—

(1) whether the provisions of ratified Conventions take precedence over the provisions of the Labour Code despite the more recent date of adoption of this Code and if so, what measures the Government intends to take with a view to giving full publicity to this fact, so as to avoid any uncertainty as regards the legal position;

(2) if the reply to (1) should be in the negative, what steps the Government contemplates taking in order to eliminate the discrepancies which continue to exist between the international standards by which Colombia has been bound for a number of years on the one hand and the provisions of the national Labour Code on the other.

*Czechoslovakia.* The Committee wishes to thank the Government for the information it was good enough to supply in response to the observations made in 1955, both concerning legislation giving effect to certain ratified Conventions and concerning the practical application of the Conventions ratified by Czechoslovakia.

The Committee also took note of the letter of 13 December 1955 in which the Government refers to its annual reports and expresses the view that the Committee "without evaluating certain national provisions in their economic significance, formally adheres to the text of Conventions under review and points in some instances to entirely unimportant differences". The Government adds that such minor discrepancies as may continue to exist in the application of certain international labour Conventions are in its opinion largely outweighed by the very broad protection which Czechoslovak labour legislation guarantees to the workers and which in many cases far exceeds the level laid down in the Conventions concerned.

The Committee is bound to point out that its mandate requires it to examine the effect given by Members to the Conventions they have ratified, i.e. to ascertain whether the national law and practice are in conformity with the provisions of ratified Conventions and to draw attention to any differences which may remain between the relevant national and international provisions. It can only discharge the duties entrusted to it, and will continue to do so.

The Committee notes in this connection that the Government has in fact already taken, or contemplates taking, the necessary measures to eliminate certain discrepancies to which attention had been drawn in 1955.

*Guatemala.* The Committee notes with regret that the Government has failed once again to supply the first reports due on the application of the 14 Conventions ratified by Guatemala. The Government indicates, however, in a letter, that it hopes to be able to comply fully with its obligations for the next reporting period, particularly since one of its officials was granted a fellowship by the International Labour Office to familiarise himself with the reporting obligations under the I.L.O. Constitution.

The Committee can only reiterate its sincere hope that Guatemala's first reports will come to hand at an early date.

*Haiti.* The Committee ventures to point out that the Government's annual reports were received, once again this year, very shortly before the opening of the Committee's session. It would be greatly appreciated if the Government could find it possible in future to communicate its reports by the date requested, so as to enable the reports to be sent to the members of the Committee sufficiently in advance of its meeting.

*Hungary.* The Committee wishes to thank the Government for the additional information it was good enough to supply on the practical application of certain Conventions, in accordance with the request made in 1955.

*Indonesia.* The Committee notes with regret that the Government's reports on the four Conventions by which Indonesia is bound have not been received. It hopes that this information will be received at an early date and will include the particulars on practical application requested in the forms of report, to which reference had already been made by the Committee in 1955.

*Iraq.* The Committee notes with regret that the Government has once again not found it possible to communicate copies of the reports to the representative organisations of employers and workers, as provided for in article 23, paragraph 2, of the Constitution. It took note in this connection of the statement made by a Government representative in the Conference Committee in 1955 that the trade unions existing in the country represent only small industries and have very few members.

The Committee shares the hope expressed by the Conference Committee that copies of the reports will be communicated to the most representative organisations even if these do not have a large membership.

*Mexico.* The Committee was glad to note that the Government found it possible, in response to the observations made in 1955, to supply new information in regard to certain Conventions. The Committee hopes that additional information on the other Conventions will be supplied in future reports, particularly as regards the various points raised below under the texts concerned.

*Nicaragua.* The Committee wishes to thank the Government for having supplied once again reports on all the Conventions by which Nicaragua is bound and for having included in certain cases additional information in response to the Committee's general request in 1955.

The Committee notes the Government's statement that a ratified international labour Convention becomes automatically part of the national legislation. The Committee finds, in this connection, that while these Conventions were ratified in 1934, the National Labour Code, promulgated in 1945, contains a number of provisions, as pointed out below under the Conventions concerned, which are not in conformity

with the international standards to which Nicaragua is a party. In these circumstances the Committee would appreciate it if the Government would indicate in its next reports—

(1) whether the international provisions, or the national provisions adopted after the coming into force in Nicaragua of the international labour Conventions, apply, if the matter is brought before a court of law ;

(2) whether the Government intends to take steps in order to clarify the position in all cases where conflicts may arise between the Conventions ratified in 1934 and the Labour Code promulgated 11 years later.

*Peru.* The Committee wishes to draw attention to the fact that once again this year those of the Government's reports received so far arrived just before the opening of the Committee's session. Since the Government stated in these reports, in reply to the Committee's observation in 1955, that it desires to communicate its reports in good time, the Committee can only express the hope that the Government will find it possible for the next reporting period to supply all its reports by the date requested.

*Poland.* The Committee would be glad if the Government would be good enough to indicate whether copies of the reports have been communicated to the representative organisations of employers and workers as provided for in article 23, paragraph 2, of the Constitution.

*Rumania.* The Committee took note with interest of the five reports supplied by the Government, for the first time since Rumania's withdrawal from the International Labour Organisation in 1942, and hopes that reports will be received in due course on the 12 other Conventions by which this country is bound.

The Committee also wishes to draw attention to the fact that the information so far communicated does not contain any particulars as regards the practical application of the Conventions in question and would appreciate it if such data could be supplied in future, as requested in the forms of annual report.

*Spain.* The Committee noted with interest from the report of the Conference Committee in 1955 that reports on the 32 Conventions by

which Spain is bound were before this body, which decided, however, in view of the cursory nature of these reports, to await the receipt of fuller information, drawn up in accordance with the relevant questionnaires and supplied in time for examination by the Committee of Experts. The Committee notes that such further information has not yet come to hand.

The Committee hopes that the Spanish Government will find it possible to provide full reports in future.

*Syria.* The Committee notes with regret that, despite the statement made by a Government representative to the Conference Committee in 1955, this year's report again fails to indicate that a copy thereof has been communicated to the representative organisations of employers and workers. The Committee hopes that the Government will find it possible to comply in future with the relevant obligation laid down in article 23, paragraph 2, the Constitution.

*Venezuela.* The Committee notes with regret that no reports have been received on the 17 Conventions by which Venezuela is bound. As the Committee has been informed that this country has given notice of withdrawal from the International Labour Organisation, which notice is due to become effective on 3 May 1957, it ventures to draw attention to the following points.

Until the date of Venezuela's withdrawal from the I.L.O., all her obligations as a Member of the Organisation remain in force.

As regards the period following Venezuela's withdrawal from the Organisation, the Committee ventures to refer to article 1, paragraph 5, of the Constitution, which states that "when a Member has ratified any international labour Convention such withdrawal shall not affect the continued validity for the period provided for in the Convention of all obligations arising thereunder or relating thereto". Under this provision Venezuela will therefore be under a continued obligation to apply the 17 Conventions ratified by her and to supply annual reports on their application.

In these circumstances the Committee expresses the hope that the Government's annual reports will be received in due course.

## 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.

(*Argentina, Spain, Venezuela.*)

*Belgium* (ratification : 6.9.1926). The Committee takes note with interest of the Royal Order of 27 June 1955 which defines the postal employees engaged in a confidential capacity and consequently excluded from the scope of

the Hours of Work Act, 1921, in virtue of section 2 thereof ; it finds that this list includes such categories as electricians, principal drivers, chief workmen acting as head of a shift, etc.

The Committee points out that Article 2 (a) of the Convention, under which persons employed in a confidential capacity may be excluded from the scope of the Convention, is generally understood as applying only to persons really employed as directing the work of others and holding posts which do not involve participation in the execution of the work directed by them. Moreover, the postal, telegraph and telephone service is within the scope

of the Convention (Article 1, paragraph (c)) as regards constructional, maintenance and repair work. The Committee therefore feels that the definition ascribed to the term "confidential capacity" in the Royal Order relating to postal employees is wider than that which may be accepted under the Convention and it would be glad if the Government would consider making any necessary modifications.

The Committee would also be grateful if the Government would indicate in its next report whether there are at present in force any provisions by which use is made of the right to suspend the operation of the limitations of the Act of 14 June 1921, as authorised under section 12 (2) thereof.

*Burma* (ratification : 14.7.1921). The Committee takes note with interest of the Oil Fields (Labour and Welfare) Act of 1951, a copy of which was attached to the Government's report, and particularly of sections 30 and 33, which limit hours of work to 44 in any week and eight in any day.

The Committee finds that provision is made in this Act for exempting rules to be made by the President and it would be grateful if the Government would indicate in its next report what rules may have been issued under section 41, paragraph (2), subparagraphs (b) to (e), and section 42, paragraphs (1) and (2), of the Act. In addition, the Committee would be glad to know what are the maximum limits for the weekly hours of work for all classes of oil workers, prescribed by the President, referred to in section 41, paragraph (4), of the Act.

The Committee is also interested to know that rules under section 57, paragraph (1), of the Factories Act, extending its application to all building operations and works of engineering construction, are being studied by Parliament, and it hopes that a copy of these rules, if adopted, will be attached to the Government's next report.

*Colombia* (ratification : 20.6.1933). The Committee takes note of the information supplied by the Government in reply to the observation made in 1955. It notes with interest that, as regards Article 2 of the Convention, the hours of work agreed upon by the parties are subject to the maximum number of hours permitted by law, and that, as regards Article 8, paragraph (2), provision is made for fines in the case of infractions of the Labour Code.

As regards Article 6 of the Convention, the Committee notes that no work other than that carried out by certain categories of miners covered by section 333 of the Code, domestic employees and chauffeur-mechanics, is considered as essentially intermittent. It understands, therefore, that no other use is made of sections 161 (b) and 162 (c) of the Code, which provide that the ordinary daily hours of work shall not exceed 12 in the case of non-continuous or intermittent activity and exclude from the regulations respecting the maximum hours of work, employees engaged in non-continuous or intermittent activity. The Committee would be glad if the Government would confirm this in its next report.

As regards Article 7, the Committee notes that the Government gives some examples of the work considered as "uninterrupted work" under section 166 of the Labour Code and would be glad if the Government would supply in its next report a list of the processes which are deemed to be necessarily continuous for the purposes of Article 4 of the Convention (i.e. uninterrupted work), as required under Article 7, paragraph 1 (a).

The Committee would also be glad to have full information concerning the regulations made under Article 6 and their application; the communication of such information, which is required under (Article 7, paragraph 1 (c)) of the Convention, has already been requested in 1953 and 1954 and would be particularly interesting in view of section 162 (2) of the Code, which provides that up to four hours' overtime may be worked each day.

As regards Article 8, the Committee notes the Government's statement that there is no problem in small undertakings regarding records of additional hours, since the Ministry of Labour ensures the full application of labour legislation by means of visits of inspection. The Committee appreciates the value of this supervision but points out that it cannot replace the obligation on employers to keep records of additional hours; it hopes that the Government will take the necessary steps in this connection.

*Czechoslovakia* (ratification : 24.8.1921). In 1955 the Government was asked to supply information, in conformity with Article 7 of the Convention, relating to the exceptions authorised under Articles 4, 5 and 6; the Committee notes that the present report, with regard to the processes classed as necessarily continuous and on which longer hours of work are hence authorised under Article 4, refers to the list of such processes given in the Order of 11 January 1919, but does not supply all the information requested on the application of Articles 5 and 6.

The Committee stresses the importance of such information being fully and regularly communicated to the I.L.O., particularly in view of the contents of the Act of 19 December 1918 respecting the eight-hour working day (mentioned in the Government's last report as being still in force), which permits exceptions on a wide scale. Thus the Act provides that up to 240 hours' overtime may be worked in the year "when extra work is necessitated . . . in the public interest or for other reasons", and leaves a certain degree of latitude in view of the wording of section 1, i.e. that "the actual hours of work of workers shall, in principle, not exceed eight hours within 24 hours or 48 hours in the week". The Committee also notes that the statistics attached to the Government's report on Convention No. 63 show that during the period under review a considerable amount of overtime was worked.

The Committee would, therefore, be glad if the Government would include in its next report, in conformity with Article 7 of the Convention—

(1) full information as to the working of the agreements mentioned in Article 5, i.e. a list of such agreements showing the industries

and classes of workers covered, together with, as far as possible, the texts of such agreements; and

(2) full information concerning the regulations made under Article 6 and their application, i.e. a list of such regulations, together with the texts thereof.

Finally, the Committee would be grateful if the Government would also indicate in its next report whether the above-mentioned regulations, made under Article 6 of the Convention, duly fix the special rate of pay for overtime work.

*Dominican Republic* (ratification : 4.2.1933). The Committee notes with regret that the Government has not yet completed its study of the points raised in the observations made in 1954 and 1955. It recalls that the substance of these observations was as follows :

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 notes that the Convention

was ratified by the Dominican Republic in 1933 and that the national legislation relating to hours of work was more favourable prior to the adoption of the present Labour Code in 1951. It urges the Government to supply full information on the points raised in the above observation and to ensure full implementation of the Convention.

*Greece* (ratification : 19.11.1920). The Committee notes from the report that the Government hopes that in the year starting on 1 July 1956 the first step will be made towards the progressive application of the eight-hour day to those railway workers not yet covered by it. The Committee also notes that in a government statement to the Conference Committee in 1955 reference was made to the extension of the application of the Convention to the workers concerned in three stages of two years each. Thus it appears that full conformity between the Convention and the relevant national provisions cannot be expected before 1962.

The Committee urges the Government to do its utmost to hasten the extension of the hours of work provisions to the 6,000 workers not yet covered by them.

See also under Convention No. 14.

*Haiti* (ratification : 31.3.1952). The Committee takes note of the information supplied by the Government with regard to the possible extension of the maximum hours of work to ten a day, subject to the weekly maximum of 48 hours, and the form in which authorisations for overtime hours are granted by the Labour Inspector.

It would, however, be grateful if the Government would supply information on the following points, already raised in 1954 and 1955 :

(1) whether the scope of the Act of 1948 quoted in the Government's report extends to all categories of industrial undertakings listed in Article 1 of the Convention; and

(2) in what cases 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, paragraph 1 (a)) and temporary exceptions in the case of pressure of work (Article 6, paragraph 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 the records of the additional hours worked which the employer must keep (Article 8, paragraph 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.

*India* (ratification : 14.7.1921). The Committee notes that under the Factories Act of

1948, as amended in 1954, working hours may be extended to 70 a week in a number of cases. Thus, for example, under section 64 (2) (i) of the Act the provincial governments may make rules authorising up to ten hours a day on seven days in the week in the case of workers engaged in the loading and unloading of railway wagons; under section 64 (2) (d) workers engaged in work which for technical reasons must be carried on continuously, may be authorised to work even longer hours; and under section 65 (2) the ten-hour day and 70-hour week may be authorised in cases of exceptional pressure of work.

The Committee points out that, under Article 10 of the Convention, any hours worked in excess of the 60-hour weekly limitation fixed for India are subject to the provisions of Articles 6 and 7 of the Convention. It would therefore be grateful if the Government would supply in its next report the texts of the regulations made under sections 64 (2) (d) and 65 (2), stating what method was adopted for the consultation of employers' and workers' organisations, as required under Articles 6 and 7 of the Convention.

As regards the exemption respecting workers engaged in the loading and unloading of railway wagons, which may be authorised under section 64 (2) (i) of the Act, the Committee points out that work in excess of the 60-hour week is only permissible in India in virtue of Article 6 of the Convention and that this Article does not envisage exceptions for cases such as the loading or unloading of railway wagons. It would be glad to know whether the Government could envisage the modification of this provision of the Factories Act.

*Israel* (ratification : 26.6.1951). The Committee notes with satisfaction that the regulations issued on 11 January 1955 provide for the posting of notices and the keeping of records of additional hours as required under Article 8, paragraph 1, of the Convention.

As regards Article 4 of the Convention, the Committee would be grateful if the Government would indicate in its next report whether use is made of this permissive clause and, if so, what is the maximum number of weekly hours authorised in the case of continuous processes.

*New Zealand* (ratification : 29.3.1938). Although the Committee is fully aware that the 40-hour week has been established in New Zealand in virtue of the Factories Act, 1946, awards issued under the Industrial Conciliation and Arbitration Act, 1954, etc., it notes that in 1954 nearly 18 million hours were worked overtime in factory production alone. The Committee would therefore be glad to know if overtime work, whether in factory production or otherwise, is distributed so that certain workers may be employed for more than eight hours a day and 48 hours a week, that is, the general maximum hours authorised under the Convention.

Should the Government find that in certain cases the overtime worked exceeds the 48-hour general limit set by the Convention, the Committee would be glad if the Government would

indicate in its next report whether the exceptions in question fall under Article 3 of the Convention (accidents, urgent work to machinery, *force majeure*), Article 4 (necessarily continuous processes) or Article 6 (preparatory or intermittent work, exceptional cases of pressure of work) and if so, whether the safeguards prescribed under these Articles are respected.

The Committee would also be glad if the Government would indicate in its next report whether the provisions of Article 8, paragraph 1, of the Convention, relating to the notification and records of working hours, are complied with in all industrial undertakings without any exception, and whether it is considered an offence against the law to employ any person outside the prescribed working hours, as required under Article 8, paragraph 2.

*Nicaragua* (ratification : 12.4.1934). The Committee would be glad if the Government would include in its next report a list of all the legislation and regulations in force which govern the hours of work of any of the workers employed in the industrial undertakings listed in Article 1 of the Convention, and information on the use which may have been made of the provisions relating to the redistribution of hours or the overtime authorised under Articles 2, 3, 4, 5 and 6 of the Convention. It would also like to be informed of the conditions subject to which such use may be made, and of the measures ensuring conformity with Article 8 of the Convention. Finally, the Committee would be glad if the Government would supply the information requested in the form of report under Article 7 of the Convention.

*Pakistan* (ratification : 14.7.1921). The Committee took note with interest of the Government's statement at the Conference in 1955, reiterated in its report for 1954-55, to the effect that the question of the extension of the Hours of Employment Regulations to the running staff employed on railways had been reopened. It noted with satisfaction that the Government representative stated to the Conference Committee in 1955 that the extension of these regulations would probably take place shortly.

The Committee would be grateful if the Government would indicate in its next report the progress achieved in this respect.

*Peru* (ratification : 8.11.1945). The Committee notes that the Government's report refers once again to the draft Labour Code, first mentioned in the report for 1951-52, but does not indicate when this text will come into force. Consequently the Committee would be glad if the Government would supply more detailed information on the manner in which certain provisions of the Convention are applied under existing legislation.

Thus the Committee notes that the Government stated, under Articles 3, 4 and 5 of the Convention, that longer hours may be worked subject to the authorisation of the competent labour body and the agreement of the organisations concerned. It would be glad to know in virtue of what legislative provisions these exceptions are granted and whether they provide (a) that overtime worked under Article 3



(accidents, etc.) may only be permitted "so far as may be necessary to avoid serious interference with the ordinary working of the undertaking" as prescribed in this Article; (b) that in those processes which are necessarily continuous and where work is carried on by a succession of shifts, the working hours may not exceed 56 in the week on the average as prescribed under Article 4, and (c) that the authorisation for the exceptional redistribution of hours permitted under Article 5 is subject to the agreement of the employers and workers concerned and that the average number of hours worked per week is fixed at 48.

As regards Article 6 of the Convention, which provides for regulations governing permanent and temporary exceptions, the Committee notes the statement in the Government's report that the regulations in question have not yet been issued. The Committee points out that under the terms of the Convention any temporary or permanent exceptions must be determined by regulations and that these regulations must also fix the maximum number of additional hours in each instance and the rate of pay for overtime; it would therefore be glad if the Government would take the necessary steps at an early date for the issue of these regulations.

Finally, the Committee draws the Government's attention to Article 7 of the Convention and it would be glad if the Government would supply in its next report—

(1) a list of the processes which are deemed to be necessarily continuous in character for the purposes of Article 4; and

(2) full information on the agreements mentioned in Article 5.

*Rumania* (ratification : 13.6.1921). The Committee takes note with interest of the first report supplied by the Government on this Convention since 1940. It would, however, be glad if the Government would include in its next report—

(1) information on what use, if any, is made of the exceptions authorised under Articles 2 (c), 4 and 5 of the Convention, which provide that the hours of work may be increased or redistributed in certain cases, and information on the measures taken to safeguard the workers in question, as well as those affected by the exceptions under Article 3, as indicated in the respective clauses of the Convention;

(2) full information on the regulations made under Article 6 of the Convention, showing in what cases permanent and temporary exceptions are authorised, and whether provision is made for a higher rate of pay for overtime, as prescribed in this Article;

(3) the information requested under Article 7 of the Convention.

The Committee would also be grateful if the Government would indicate in its next report whether the temporary labour service which citizens may be required to perform in the case of labour shortages under section 111 of the Labour Code is liable to affect the maximum daily and weekly hours of work in industrial undertakings laid down in the Convention.

#### *Convention No. 2: Unemployment, 1919.*

Number of reports requested : 33.

Number of reports received : 31.

Reports not received : 2.

(Spain, Venezuela.)

*Austria* (ratification : 12.6.1924). The Committee noted from the detailed information supplied by the Government that a decision by the Constitutional Court declared unconstitutional the provision contained in the Act of 5 November 1935, requiring non-profit-making employment agencies to obtain a permit in order to carry on their activities.

The Committee noted that, while the present Convention does not contain any provisions concerning the issuing of permits to employment agencies, the above-mentioned Act of 1935 also includes provisions relating to the control exercised by the regional employment offices over private employment agencies which give effect to Article 2, paragraph 2, of the Convention, requiring the co-ordination of the operations of public and private employment agencies.

In view of the above-mentioned decision of the Constitutional Court the Committee would be grateful if the Government would indicate whether the provisions of the Act concerning the control exercised over private employment agencies are still in force and, if this is not the case, what measures have been adopted to ensure the co-ordination required in Article 2, paragraph 2, of the Convention.

*Colombia* (ratification : 20. 6. 1933). The Committee thanks the Government for the information which it has supplied in its report, in response to the observations made in 1955, as regards the number of employment agencies, the number of persons placed in employment, the number of applications for employment, etc. The Government states that it has not been possible to set up the advisory committees provided for in Article 2 of the Convention, as unemployment does not constitute a problem in Colombia, where there is a shortage of labour and where both employers and workers are not interested in the setting up of such agencies. Nevertheless, the Committee hopes that the Government will soon be able to take the necessary steps to set up the advisory committees required by the Convention.

*Egypt* (ratification : 3.7.1954). The Committee takes note with interest of the information supplied by the Government in its first report, and it would be glad if, in its next report, the Government would be good enough to state what measures it contemplates taking to communicate to the International Labour Office every three months the statistical and other information referred to in Article 1 of the Convention. The Committee would also be glad if the Government would specify what legislative provisions and regulations provide for the setting up of the tripartite committees mentioned in the report, and whether these committees are consulted on all matters concerning the carrying on of employment agencies, as provided for in Article 2 of the Convention.

*Greece* (ratification : 19.11.1920). The Committee thanks the Government for supplying, in response to the observations made by the Conference Committee in 1955, the information requested as regards the number of free employment agencies now in existence, the number of applications for employment received, the number of vacancies noted and the number of persons placed in employment.

However, the Committee would be glad if the Government would take the necessary steps to communicate to the International Labour Office information concerning employment at intervals not exceeding three months (Article 1 of the Convention).

*Hungary* (ratification : 1.3.1928). The Committee thanks the Government for the new and more detailed information supplied in its report, in response to the request which it made in 1955. However, the Committee would be grateful if the Government would be good enough to supply fuller information regarding the advisory committees to be set up to advise on matters concerning the carrying on of employment agencies (Article 2 of the Convention).

*Nicaragua* (ratification : 12.4.1934). The Committee thanks the Government for the information which it has supplied in its report. However, it would be glad, if, in its next report, the Government would supply additional statistical information relating to unemployment, and information on measures taken or contemplated to combat unemployment (Article 1 of the Convention).

The Committee would also be glad to know if the Government has set up advisory committees, including representatives of employers and workers, as provided for in Article 2, paragraph 1, of the Convention, and, finally, whether there are any private free employment agencies and if so whether their operations are co-ordinated with those of the public agencies (Article 2, paragraph 2).

*Poland* (ratification : 21.6.1924). The Committee thanks the Government for the detailed information which it has supplied in its report in response to the observations which it made in 1955, as regards the number of employment agencies set up, the number of applications for employment, the number of vacancies notified, and the number of persons placed in employment. Nevertheless, the Committee would be grateful if the Government would be good enough to state whether any advisory committees have been set up in Poland, as provided for in Article 2, paragraph 1, of the Convention.

*Rumania* (ratification : 13.6.1921). The Committee takes note with interest of the information contained in the report, to the effect that there is no unemployment in the country. The Committee would be grateful if, in its next report, the Government would be good enough to state whether—as provided for in Article 2 of the Convention—there is in Rumania a system of free public employment agencies under the control of a central authority.

### *Convention No. 3: Maternity Protection, 1919.*

Number of reports requested : 18.

Number of reports received : 15.

Reports not received : 3.

(*Argentina, Spain, Venezuela.*)

### *General Observation*

The Committee noted that the majority of the reports supplied by the various States which have ratified the Convention do not contain specific information as regards the two points dealt with below—

(1) By virtue of the last phrase of paragraph (c) of Article 3 of the Convention, no mistake of the medical adviser (doctor or certified midwife) in estimating the date of confinement shall preclude a woman from receiving benefits from the date of the medical certificate up to the date on which the confinement actually takes place.

(2) According to Article 4 of the Convention, where a woman is absent from her work on maternity leave or as a result of illness arising out of pregnancy, it shall not be lawful, until her absence shall have exceeded a maximum period to be fixed by the competent authority in each country, for her employer to give her notice of dismissal during such absence, or to give her notice of dismissal at such a time that the notice would expire during such absence.

The Committee would be grateful if the governments of Members which have ratified the Convention would be good enough to supply, in their next reports, information regarding the legislative or other measures which give effect to the two above-mentioned provisions of the Convention.

*Brazil* (ratification : 26.4.1934). The Committee notes with interest the statement made by the Government representative to the Conference Committee that the obligation, as provided in the national legislation, for private employers to pay wages to women, for a period of six months, in the case of maternity, was to be removed by means of legislation which would be adopted shortly and would be incorporated in the Social Security Code. The Committee is pleased to learn from the annual report that the National Congress is now working on the Basic Social Welfare Bill, which provides that the social security scheme will be solely responsible for the payment of maternity benefits which are now paid jointly by the employers and the scheme. The Committee hopes that the new legislative measures will soon be made effective so that complete application of the Convention will be achieved.

See also General Observation on this Convention.

*Chile* (ratification : 15.9.1925). In 1952 the Committee noted that some provisions of the national legislation relating to maternity protection and, in particular, the provisions granting two half-hour periods a day to enable women to nurse their children, were applicable only to women "manual workers", whereas the protective measures laid down in the Con-



vention must be applied to women employed "in all public or private industrial or commercial undertakings".

On various occasions the Government has stated that it had under consideration the necessary amendments to give full effect to the provisions of the Convention. At the 38th Session of the Conference (June 1955) the Government representative stated that "the text of the new Labour Code would be submitted to Parliament for approval by September 1955". In its report for 1954-55 the Government states that in view of "the importance of the proposed amendments in various spheres, it has not been possible so far to expedite the procedure for the approval of the amending legislation".

The Committee regrets to note that no progress has yet been made in this respect and urges the Government to take all possible steps to ensure the carrying out of the international obligations which it has undertaken.

*Colombia* (ratification : 20.6.1933). In 1955 the Committee took note of the information supplied by the Government on the Bill which was being prepared to govern the conditions of public service; this Bill was in conformity with the provisions of the Convention as regards the duration of maternity leave and nursing breaks. In this connection the Committee expressed the hope that similar measures would soon be applied to all categories of women workers and that it would be possible to remove the discrepancies existing between the national legislation and the Convention.

The Committee notes that the report for this year contains no new information in this respect. It hopes therefore, that the Government will be able to state at the next session of the Conference what measures it intends to take to eliminate the discrepancies which have existed for over 20 years between the provisions of the national legislation and those of the Convention. The Committee reiterates the observations which it has made in previous years, when it pointed out that—

(1) the period of maternity leave fixed by the Labour Code is eight weeks instead of 12 weeks as laid down in the Convention (Article 3, paragraphs (a) and (b));

(2) the two periods allowed each day to a mother to nurse her child are only 20 minutes instead of 30 minutes as laid down in Article 3, paragraph (d) of the Convention;

(3) the Labour Code provides that the employer is responsible for the payment of the woman's wages, whereas the Convention lays down that the amount of benefits payable during maternity leave shall be paid out of public funds or by means of a system of insurance (Article 3, paragraph (c)).

*France* (ratification : 16.12.1950). The Committee takes note with interest of the observations submitted by a workers' organisation (the Confederation of Christian Workers) as regards the application of Article 4 of the Convention. This organisation points out that, according to the terms of section 29 of Book I of the Labour Code, an employer may not break the contract of a woman while she is absent for a period of

12 weeks as a result of pregnancy or confinement, but that the Code does not prohibit an employer from dismissing a woman during the same period for any other reason. The organisation in question states that, in view of the fact that it is always difficult in a court of law to prove the actual grounds on which a labour contract is terminated, it may happen that a woman who is pregnant or who has recently been confined is unable to show proof that she has been dismissed because of pregnancy.

The Government has made the following comments on the above-mentioned observations. In the first place, it points out that the period of maternity leave during which it is prohibited, on pain of paying damages, to dismiss a woman, is laid down in section 29 of Book I of the Labour Code as 14 weeks, whereas the Convention provides for a period of at least 12 weeks. The Government also indicates that employers must retain the right to terminate the contract of a pregnant woman for reasons other than pregnancy (serious misconduct, suppression of post, collective dismissals, cessation of employer's activities). The Government adds that "it does not appear to be possible to go further in this respect, in fact it is not clear how an employer who ceases his activities can be obliged to continue the contract of one of his women employees who is pregnant".

In this connection the Committee notes that the text of Article 4 of the Convention prohibits unconditionally any dismissal during a given period. It makes no distinction as regards the possible reasons for dismissing a woman worker during pregnancy or confinement. The Committee notes, moreover, that the Convention not only prohibits dismissal during the period of 12 weeks provided for in Article 3 but specifies that it shall not be lawful to give a woman notice of dismissal "at such a time that the notice would expire during such absence". However, the application of these provisions is not designed to have the effect—as the Government appears to fear—of "obliging, for example, an employer who ceases his activities to continue the contract of one of his women employees who becomes pregnant"; in fact, it has merely the result of extending the legal period for the notice of dismissal of women workers during pregnancy or confinement by an additional period which is equal to the time required for completing the period laid down in the Convention.

The Committee would be grateful therefore if the Government would be good enough to indicate what measures it contemplates taking to ensure complete conformity between the provisions of the national legislation and those of Article 4 of the Convention.

In addition the Committee hopes that when the revision of the legislation, which has been contemplated by the Government for a number of years, is undertaken, the Government will be good enough to examine the possibility of amending the provisions of section 54, paragraph (c), of Book II of the Labour Code, which reduces to 20 minutes the two daily periods allowed for nursing a child in cases where there exists a special room for this purpose; an amendment of this kind does not appear to be designed to overcome the diffi-

culties since, according to the statement made by a Government representative to the Conference Committee in 1955, in the majority of cases these rooms were not used.

*Federal Republic of Germany* (ratification : 31.10.1927). The Committee took note of the information supplied by the Government to the Conference Committee in 1955, to the effect that the Government had informed employers and workers that in view of the observations made by the Committee of Experts a modification to the Act of 24 January 1952 on maternity protection should be considered. In its last report the Government indicates that it intends to prepare a Bill on maternity protection, but that the preparatory work in this respect has not yet been completed. The Committee takes note of this information with satisfaction and hopes that the Government will be able at an early date to eliminate existing discrepancies between the national legislation and the Convention as regards the two points to which attention has been drawn in previous years. It hopes that the Government's next report will contain information regarding the progress made in this respect.

The Committee would be grateful if the Government would also be good enough to forward to the I.L.O. the information referred to in the report concerning decisions of principle given by the Supreme Court as regards maternity protection.

*Greece* (ratification : 19.11.1920). The Committee takes note with satisfaction of the information supplied by the Government representative to the Conference Committee in 1955, from which it appears that the prohibition of breach of labour contracts also applies in the case of extension of leave arising from sickness due to pregnancy or confinement.

The Committee ventures to draw the attention of the Government to the following point : section 39 of the Act of 14 June 1951 respecting social insurance provides that a woman worker must have been employed during at least 200 days in the two years preceding the confinement before being entitled to maternity benefits, whilst the Convention does not provide for a qualifying period.

Finally, the Committee notes that information has been supplied regarding the extension of the scope of the general insurance scheme (I.K.A.) for the period 1954-55 and it would be glad if the Government could keep it informed, in its next report, of the progress made in regard to this extension, which is particularly important, as regards maternity protection, since the Convention applies to both commercial and industrial undertakings.

*Hungary* (ratification : 19.4.1928). The Committee thanks the Government for the detailed information supplied in its report, in response to the request which it made in 1955. However, the Committee notes that certain discrepancies still appear to exist between the national legislation and the provisions of the Convention as regards the following points :

(1) section 97 of the Labour Code provides that a pregnant woman worker shall be entitled

to maternity leave before and after childbirth for a total of 12 weeks, whereas Article 3 of the Convention, which provides for a period of leave of 12 weeks, lays down in paragraph (a) that a woman *shall not be permitted* to work during the six weeks following her confinement ;

(2) section 4 of Order No. 1044 issued by the Council of Ministers in 1953 makes a distinction between women who enjoy social insurance benefits and those who do not enjoy such benefits. As regards the latter, only one half of hospital expenses are payable, whereas Article 3, paragraph (c), of the Convention provides that all women employed in industrial or commercial establishments shall be entitled to "free attendance from a doctor or certified midwife". The Committee therefore hopes that the Government will be good enough to specify the categories of women who do not enjoy social security benefits ;

(3) the report contains no information as regards the measures taken to give effect to the last clause of paragraph (c) of Article 3 of the Convention, according to which "no mistake of the medical adviser (or midwife) in estimating the date of confinement shall preclude a woman from receiving the benefits to which she is entitled from the date of the medical certificate up to the date on which the confinement actually takes place" ;

(4) section 96 of the Labour Code provides that, as from the date of the medical diagnosis up to the end of the sixth month following confinement a woman may not be dismissed except as the result of disciplinary measures. The Committee, while appreciating the fact that under the national legislation the period during which a woman may not be dismissed is in principle longer than that provided for in the Convention, nevertheless points out that the provisions of Article 4 of the Convention are quite general and lay down that it is illegal to dismiss a woman during pregnancy or confinement. They do not authorise any distinction to be made as regards reasons which may be evoked for dismissing a woman at such times ; the dismissal should be prohibited in all cases.

The Committee would be grateful if the Government would be good enough to supply in its next report more detailed information on the various points mentioned above and on the measures which it contemplates taking to bring the national legislation into full conformity with the provisions of the Convention.

The Committee would also be glad if the Government would be good enough to forward as an appendix to its next report, as required in the form of report adopted by the Governing Body, the text of Regulation No. 2 of 1952 of the Central Committee of Trade Unions, the Order of the Council of Ministers No. 1044 of 1953, and Legislative Decree No. 25 of 1953 to amend the Labour Code.

*Italy* (ratification : 22.10.1952). The Committee takes note with interest of the information supplied to the Conference Committee in 1955 and repeated in the annual report, concerning the special measures of protection enjoyed by women workers to whom maternity benefits are paid by the employer and not, as

required under Article 3 of the Convention, out of public funds or by means of a system of insurance.

The Committee notes with interest that the Government is at present examining the possibility of extending to these women workers the benefits of the National Insurance Institute but that this problem can only be solved by means of a reform of the sickness insurance scheme. The Committee would be grateful if the Government would indicate in its next report the progress made in this connection, and it hopes that the Government will find it possible to bring the national legislation into conformity with the provisions of the Convention in the near future.

*Nicaragua* (ratification : 12.4.1934). The Committee took note with interest of the more detailed information which the Government has supplied in its report for this year. It also noted with satisfaction that the Government refers to a decision of principle given by the Supreme Labour Council, concerning the application of section 130 of the Labour Code, which prohibits the dismissal of a woman worker "on account of pregnancy or because she is nursing her child". In order to be able to appreciate the exact scope of this section of the Labour Code, the Committee would be grateful if the Government would be good enough to supply in its next report the text of the above-mentioned decision.

The Committee also notes that section 129 of the Labour Code merely provides that women workers who are pregnant shall be entitled to a rest period of six weeks before and after confinement, whereas Article 3 of the Convention specifies in clause (a) that a woman *shall not be permitted* to work during the six weeks following her confinement. As the Government has made a general statement that the provisions of ratified Conventions are incorporated in the national legislation, the Committee would be grateful if the Government would be good enough to state in its next report—

(1) whether the coming into force of section 129 of the Labour Code after the ratification of the Convention has had the effect of modifying, in relation to the national legislation, the provisions of the Convention ;

(2) if this is not the case, whether it does not consider that it would be desirable to take steps to bring the provisions of Article 3 of the Convention to the attention of the persons concerned.

Finally, as regards benefits in cash and in kind, provided for in Article 3 of the Convention, the Government stated in a previous report that it was endeavouring to institute a social security system. The Committee would be grateful if the Government would be good enough to keep it informed of the progress made in this respect and, in particular, of any provisions relating to the financing of maternity benefits.

*Rumania* (ratification : 13.6.1921). The Committee thanks the Government for the report which it has supplied on the measures taken to give effect to the Convention. However, it

would be grateful if the Government would be good enough to supply, in its next report supplementary information on the following points :

(1) Article 3, paragraph (a), of the Convention lays down that a woman "shall not be permitted to work during the six weeks following her confinement", whereas under section 89 of the Labour Code a pregnant woman is merely entitled to a period of leave. The Committee would be glad if the Government would be good enough to indicate what measures it intends to take to prohibit strictly the employment of women during a period of six weeks following confinement, as laid down in the Convention ;

(2) Article 3, paragraph (b), of the Convention lays down that a woman shall have the right to leave her work six weeks before her confinement, whereas the length of the period of leave provided for by section 89 of the Labour Code is 35 days. The Committee would be glad if the Government would specify how these 35 days of leave are calculated, and, in particular, if in calculating them due account is taken of weekly days of rest and if the total period of leave before confinement amounts to six weeks, as laid down in the Convention ;

(3) the report contains no information regarding methods for the payment of benefits during maternity leave. The Committee would be glad if the Government would specify, in particular, whether in conformity with Article 3, paragraph (c), of the Convention the amount of these benefits is provided out of public funds or by means of a system of insurance ;

(4) the report does not indicate what legislative or other measures are taken to ensure, in conformity with Article 3, paragraph (c), of the Convention, that the woman is entitled to free attendance by a doctor or certified midwife ;

(5) the Committee would also be grateful if the Government would supply information on the two points referred to above in the General Observation relating to this Convention.

*Uruguay* (ratification : 6.6.1933). With reference to its previous observations, the Committee notes that, subsequent to the ratification of the revised Convention (No. 103), Uruguay has formally denounced Convention No. 3 and that this denunciation was registered on 17 October 1955.

*Yugoslavia* (ratification : 1.4.1927). The Committee notes with satisfaction that the Act of 24 November 1954 concerning sickness insurance for wage-earning and salaried employees does away with the waiting period as regards maternity benefits which was laid down in previous legislation.

#### *Convention No. 4: Night Work (Women), 1919.*

Number of reports requested : 23.

Number of reports received : 19.

Reports not received : 4.

(*Albania, Rumania, Spain, Viet-Nam.*)

*Afghanistan* (ratification : 12.6.1939). The Committee notes with interest that the Government has incorporated the provisions of the Night Work (Women) Convention, 1919, in the revised edition of the Labour Act and would be glad if the Government would be good enough to forward a copy of this Act with its next report.

*Austria* (ratification : 12.6.1924). See under Convention No. 69.

*Chile* (ratification : 8.10.1931). The Committee takes note with interest of the information supplied by the Government representative to the Conference Committee in 1955, in response to the observation made last year, and reaffirmed in the report for this year. On 29 November 1954 the Government submitted a Message to the National Congress for the immediate ratification of 26 Conventions, including Convention No. 89. As soon as Congress has granted its approval the Government intends to proceed with the formal ratification of these Conventions and with the denunciation of Convention No. 4.

The Committee hopes that the necessary action in this respect will be taken at an early date.

*Colombia* (ratification : 20.6.1933). The Committee takes note of the general information supplied by the Government to the Conference Committee in 1955, to the effect that according to the Constitution of Colombia any Convention ratified by this country automatically becomes a law of the Republic. However, the report for this year again states that there is no specific legislation to prohibit the employment of women and that the prohibition of night work for women would entail serious economic hardship for many poor families.

As this information appears to be inconsistent with the statement made to the Conference Committee, the Committee would be glad if the Government would be good enough to indicate what measures it intends to take to give full effect to the provisions of the Convention concerning the prohibition of night work for women.

*Czechoslovakia* (ratification : 24.8.1921). As regards the observations made by the Committee in 1955, the Government refers to its report on Convention No. 89, in which it states that the exceptions to the night work of women which are authorised as an exceptional measure under Government Ordinance No. 19 of 1951 will be abolished "as soon as the economic situation and the number of available labour allow it".

The Committee takes note of this information and hopes that the Government will soon be in a position to ensure the application of the Convention.

*France* (ratification : 14.5.1925). With reference to its previous observations the Committee notes that, following the ratification of the revised Convention (No. 89), Convention No. 4 has been formally denounced by France and that this denunciation was registered on 8 November 1955.

*Peru* (ratification : 8.11.1945). The Committee thanks the Government for the information which it has supplied in its report in response to the observations made in 1951, 1952, 1953, 1954 and 1955. It notes that—in order to ensure conformity between the national legislation and the provisions of the Convention—the Government intends to make clearer the terms of section 10 of Act No. 2851 of 1918, which empowers the executive authority to permit exceptions to the prohibition of night work for women for not more than ten hours in each day (including both day and night work) on 60 days in each year when this is necessary to meet the needs of the undertaking. The Committee also notes that the Government again refers to the Draft Labour Code to which reference has been made in its reports since 1950.

The Committee would be glad if the Government would be good enough to supply information regarding the progress made with the above-mentioned legislation.

Finally, the Committee would be glad if the Government would forward with its next report the text of the Supreme Decree of 13 April 1954, which is mentioned in the reports for the periods 1953-54 and 1954-55.

*Uruguay* (ratification : 6.6.1933). With reference to its previous observations the Committee notes that, subsequent to the ratification of the revised Convention (No. 89), Uruguay has formally denounced Convention No. 4, and that this denunciation was registered on 17 October 1955.

*Yugoslavia* (ratification : 1.4.1927). The Committee takes note of the statement made by the Government representative to the Conference Committee in 1955, and of the information supplied by the Government in its report for 1954-55, to the effect that the Bill on labour relations, which will contain the modifications designed to bring the national legislation into conformity with the Convention, has not yet been adopted, and that the special regulations prohibiting night work for women, which have been adopted in principle by the Executive Federal Council, will not be promulgated until an administrative instruction has been adopted to provide for cases in which exceptions are authorised.

The Committee hopes that the Government will take the necessary steps at an early date to bring the national legislation into conformity with the Convention and will supply detailed information regarding the measures taken in this respect.

#### *Convention No. 5: Minimum Age (Industry), 1919.*

Number of reports requested : 32.

Number of reports received : 28.

Reports not received : 4.

(*Albania, Spain, Venezuela, Viet-Nam.*)

*Bolivia* (ratification : 19.7.1954). The Committee takes note with interest of, and thanks the Government for, the information which the Government has supplied in its first report.

However, it would be grateful if the Government would forward with its next report copies of the legislative texts mentioned in the report, and would also supply fuller information regarding the application of Article 4 of the Convention, which lays down that 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 the dates of birth of such persons.

*Colombia* (ratification : 20.6.1933). The Committee took note of the general statement submitted by the Government in writing to the Conference Committee in 1955, to the effect that any Convention ratified by Colombia automatically becomes a law of the Republic; consequently, this appears to be the case for the present Convention, which was ratified in 1933, and Article 2 of which lays down that children under the age of 14 years shall not be employed in any public or private undertaking, or in any branch thereof, other than undertakings in which only members of the same family are employed.

However, the Committee notes that in its report the Government refers to the Labour Code promulgated in 1950, section 30 (1) of which allows the employment of young persons under 18 years of age with a permit, and section 161 (d) of which stipulates that young persons under 16 years of age may not be employed for more than six hours a day.

As the 1950 Code does not contain any provisions which prohibit specifically the employment of children under 14 years of age, the Committee would be grateful if the Government would be good enough to state whether the adoption of the Labour Code, after the ratification of the Convention, was intended to modify the provisions of Colombian legislation relating to the employment of children under 14 years of age, or whether the Convention still retains binding force as regards the relevant internal legislation.

The Committee also notes that the report states that section 5 of Resolution No. 105 of 1953 stipulates that employers of one or more young workers under 18 years of age must provide each of these workers with a work book; the Committee ventures to point out that Article 4 of the Convention provides that in order to facilitate the enforcement of the provisions of the 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 dates of birth of such persons. The Committee trusts, therefore, that the Government contemplates amending the relevant provisions of the national legislation so as to ensure complete conformity with the Convention.

*Denmark* (ratification : 4.1.1923). The Committee takes note with interest of the detailed report which the Government has supplied after the coming into force of the new legislation relating to the employment of young persons. The Committee notes that, in general, this legislation is in conformity with the Convention. However, it ventures to point out the following :

(1) the scope of the Act of 11 June 1954 does not correspond exactly to that of the Convention, in that it does not take into account work carried out by workers employed on inland waterways (Article 1 of the Convention);

(2) while the Convention does not provide for any exception as regards industrial establishments, section 38 of the above-mentioned Act authorises the employment of young persons under 14 years of age as messengers;

(3) this Act lays down that undertakings shall keep a register of all young persons under 16 years of age employed by them, and that this register shall contain the dates of birth of such young persons; however, the Government's report states that no regulations have been adopted so far to lay down the methods for applying this provision.

The Committee hopes therefore that the Government will be able at an early date to adopt the necessary measures to ensure complete conformity between the provisions of the national legislation and those of the Convention.

*Israel* (ratification : 23.12.1953). The Committee thanks the Government for supplying, as requested, in this year's report, information on the manner in which the Convention is applied and notes that the regulations to give effect to Article 4 of the Convention have already been drafted and approved by the Labour Inspectorate and will be published in the near future after consultation with the Working Youth Council established under the Act. The Committee would be glad if the Government's next report would indicate whether these regulations have now been issued.

*Rumania* (ratification : 13.6.1921). The Committee takes note of the information supplied by the Government in its report, which states that the provisions of the Convention are applied in Rumania. However, the report does not specify what measures are taken to apply Article 4 of the Convention, which requires heads of industrial undertakings to keep a register of all persons under the age of 16 years employed by them.

The Committee would be grateful if the Government would be good enough to supply in its next report detailed information regarding this point.

*Uruguay* (ratification : 6.6.1933). With reference to its previous observation the Committee notes that, subsequent to the ratification of the revised Convention (No. 59), Uruguay has formally denounced Convention No. 5 and that this denunciation was registered on 17 October 1955.

#### *Convention No. 6: Night Work of Young Persons (Industry), 1919.*

Number of reports requested : 30.

Number of reports received : 24.

Reports not received : 6.

(*Albania, Mexico, Rumania, Spain, Venezuela, Viet-Nam.*)

*Denmark* (ratification : 4.1.1923). The Committee thanks the Government for the detailed information which it has supplied as regards the coming into force of the Act of 11 June 1954. However, as regards the scope of this legislation, the Committee notes that the prohibition against the employment of young persons during the night does not cover building and construction work, whereas such work is covered by Article 1 of the Convention.

The Committee notes from the report that young persons are not in actual fact employed in building and construction work, and hopes that the Government will consider the possibility of extending the prohibition laid down in the legislation to all the types of work covered by the Convention and will indicate in its next report the steps taken to this effect.

*France* (ratification : 25.8.1925). The Committee notes that, according to the statement made by the Government to the Conference Committee in 1955, as regards the application of the Convention in Algeria, it appears that the provision which is applicable in Metropolitan France as well as in Algeria, as regards the extent to which night work for children is prohibited in bakeries, is section 29 of Book II of the Labour Code. At first sight, this provision would appear to contain some discrepancies with the provisions of the Convention, as follows :

(1) section 29 of the Labour Code is only applicable to young persons under 16 years of age, whereas the Convention covers all young persons under 18 years of age (Article 2) ;

(2) section 29 of the Code only covers apprentices, whereas the Convention applies without distinction to both apprentices and young workers (Article 2) ;

(3) section 29 of the Code provides only that night work may not be imposed, whereas the Convention lays down strictly that night work shall be prohibited (Article 2) ;

(4) it is not clear whether the term "night work", referred to in section 29, relates to the period provided for in section 22 of the Code, according to which all work between 10 p.m. and 5 a.m. is considered as night work, or to the period provided for in section 23 of the Code (period of nightly rest of at least 11 consecutive hours). It should be noted that 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. (or, according to Article 3, paragraph 3, of the Convention, where night work in the baking industry is prohibited for all workers, this nightly rest period of at least 11 consecutive hours may include the interval between 9 p.m. and 4 a.m., instead of the interval between 10 p.m. and 5 a.m.) ;

(5) finally, under section 29 of the Code, exceptions to the prohibition of night work may be made by an Order given by the Prefect, on the recommendation of the Mayor, whereas the Convention (Article 7) does not provide for the suspension of the prohibition of night work except in cases of serious emergency when the

public interest demands it, and only for young persons between 16 and 18 years of age.

The Committee would be grateful if the Government would be good enough to supply in its next report more detailed information on the extent to which night work for children is prohibited in bakeries and on the measures which it may contemplate taking in order to bring its legislation into full conformity with the provisions of the Convention as regards the above-mentioned points.

*Hungary* (ratification : 19.4.1928). The Committee thanks the Government for the information supplied in writing to the Conference Committee and reaffirmed in the annual report of this year, in response to the observations it had made in 1955. The Government stated that, as a result of the shortage of manpower in various sectors of the national economy, it is not in a position to prohibit completely the night work of young persons between 16 and 18 years of age, but it has taken measures to ensure that the health of the young persons concerned is not prejudiced by their employment at night.

The Committee also takes note with interest of the information which, in response to the request made in 1955, the Government has supplied as regards the provisions of Legislative Decree No. 25 of 1953, and as regards the number of young persons between 16 and 18 years of age who are employed on night work.

The Committee, while taking due account of the difficulties experienced by the Government and of the measures which it has taken to protect the health of young workers, nevertheless must point out that the Convention is not fully applied at present, since the night work of young persons under 18 years of age is not prohibited completely, as provided for in the Convention, which allows for exceptions only in a limited number of cases. In this connection, the Committee takes note with interest of the Government's statement that the competent authorities are at present examining the possibility of giving full effect to the Convention, and would be glad if the Government would state what measures it intends to take in the near future in order to ensure strict conformity between the national law and practice and the Convention.

*Nicaragua* (ratification : 12.4.1934). The Committee notes that the Government merely states in its report that the Convention was applied during the period under review and that the night work of young persons in industrial establishments was not authorised for any reason whatever. However, the Committee would be glad if the Government would be good enough to state in its next report what are the legislative provisions which give effect to the Convention and would supply the information on practical application as requested in the form of report.

*Switzerland* (ratification : 9.10.1922). With reference to its previous observations, the Committee noted that the Government has forwarded 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, and that according to these reports several cantons have taken measures during this period to overcome the difficulties encountered and to suppress the infringements which have been reported as regards the prohibition of night work for bakers' apprentices.

The Committee hopes that the Government will continue to follow up this question and that the necessary measures will be taken throughout the country to ensure the strict application of the Convention as regards bakers' apprentices. It would be grateful if the Government would be good enough to supply, in its next report, information on the progress achieved in this respect.

*Uruguay* (ratification : 6.6.1933). With reference to its previous observations, the Committee notes that, subsequent to the ratification of the revised Convention (No. 90), Uruguay has formally denounced Convention No. 6 and that this denunciation was registered on 17 October 1955.

*Yugoslavia* (ratification : 1.4.1927). The Committee thanks the Government for the detailed information which it has supplied regarding the legislation promulgated in 1955, and is glad to note that on 24 June 1955 a resolution respecting exceptions to the prohibition of the night work of young persons was enacted, which takes into account the provisions of the revised Convention of 1948 (No. 90).

However, the Committee ventures to point out that the provisions of this Resolution provide for certain exceptions (apprenticeship or vocational training in specified industries or occupations where the work is required to be carried on continuously and where, in case of serious emergency, the public interest demands it) which, while being in conformity with paragraphs 2 and 3 of Article 3 of the revised Convention of 1948 (No. 90), are not provided for by the 1919 Convention (No. 6), which only authorises exceptions in strictly defined cases.

The Committee, therefore, presumes that the Government contemplates the ratification of the revised Convention of 1948; it would be grateful if the Government would be good enough to confirm this.

*Convention No. 7: Minimum Age (Sea), 1920.*

Number of reports requested : 31.

Number of reports received : 28.

Reports not received : 3.

(*Rumania, Spain, Venezuela.*)

*Ceylon* (ratification : 2.9.1950). With reference to the observation which it made in 1955, the Committee notes with satisfaction that the recording in the articles of agreement of all young persons under 18 years of age employed on board vessels is taken only as a precaution in so far as this Convention is concerned, since according to information supplied as regards Convention No. 15 persons under this age are not in fact employed on board vessels.

*China* (ratification : 2.12.1936). The Committee takes note with interest of the information contained in the first report which the Government has supplied after an interval of several years. However, it notes that there

appear to be certain discrepancies between the national legislation and various provisions of the Convention, and would be grateful if the Government would be good enough to supply, in its next report, supplementary information on the following points :

Article 1 of the Convention. According to the report, certain types of vessels other than ships of war are not covered by the national legislation. The Committee would like to know whether the vessels which are excluded from the scope of the legislation include vessels engaged in maritime navigation.

Article 2. The report states that, by virtue of the Civil Code, young persons under 20 years of age may be employed subject to the authorisation of their legal representative, but that in fact no minor is actually employed by any shipping company. The Committee would be glad to know whether the authorisation to work on board vessels could be granted even to children under 14 years of age or whether the national legislation contains a provision, as laid down in the Convention, prohibiting the employment of these children on board vessels other than vessels upon which only members of the same family are employed.

Article 4. The Committee notes that, according to the report, the provisions of the Convention as regards the keeping of a register are applied and it would be grateful if the Government would be good enough to supply a model of the register in question, as requested in the report form.

*Colombia* (ratification : 20.6.1933). The Committee takes note of the statement made by the Government in its report for the period 1954-55, to the effect that there is no express provision to prohibit the employment of minors under 14 years of age, but that the policy of the Grand Colombian Merchant Fleet is not to employ such young persons.

In view of the fact that the Convention contains specific provisions in this respect, the Committee would be grateful if the Government would be good enough to take the necessary steps to give effect to Article 2, which provides that "children under 14 years of age shall not be employed or work on board vessels other than vessels upon which only members of the same family are employed", and to Article 4, which provides that "in order to facilitate the enforcement of the provisions of this Convention, every shipmaster shall be required to keep a register of all persons under the age of 16 years employed on board his vessel, or a list of them in the articles of agreement, and the dates of their birth".

*Nicaragua* (ratification : 12.4.1934). The Committee notes that, on the one hand, in its report the Government indicates, in a general way, that the ratification of the Convention in 1934 by the National Congress gave force of law to the Convention and that, on the other hand, the Government refers specifically to the provisions of the Labour Code of 1945, which are not in conformity with the provisions of the Convention.

The Committee would be grateful if the Government would specify in its next report that the coming into force in 1945 of the Labour Code has not affected the application of the provisions of the Convention which, according to the information supplied by the Government, were incorporated in the national legislation prior to that date.

*Uruguay* (ratification : 6.6.1933). As regards previous observations, the Committee notes that, subsequent to the ratification of the revised Convention (No. 58), Uruguay has formally denounced Convention No. 7 and that this denunciation was registered on 17 October 1955.

*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 Committee takes note with interest of the new information supplied in the report for the period 1954-55. It notes that section 1004 of the Commercial Code is no longer in force and that consequently a seaman retains his right to wages in the event of the loss, confiscation or shipwreck of the vessel.

The Committee would be grateful therefore if the Government would be good enough to state in its next report whether the fact that section 1004 of the Commercial Code is no longer in force means that, in the event of the loss or shipwreck of the vessel, seamen have the right, as provided for in Article 2, paragraph 2, of the Convention, to an indemnity for each day during which they remain in fact unemployed, at the same rate as the wages payable under the contract, the total indemnity being limited to two months' wages. The Committee would also like to know under which provision of the national legislation this indemnity is payable.

The Committee would likewise be glad if the Government would be good enough to supply the information requested in the form of report, regarding the practical application of the Convention (number of vessels wrecked or otherwise lost and number of cases in which indemnities have been granted under Article 2 of the Convention, etc.).

*Colombia* (ratification : 20.6.1933). The Committee took note of the general statement supplied by the Government in writing to the Conference Committee in 1955, to the effect that any international Convention ratified by this country becomes a law of the Republic. However, in the report for 1954-55 the Government refers to information supplied previously, according to which the Grand Colombian Merchant Fleet has laid down that an indemnity (generally equivalent to 45 days' wages) shall be paid in the case of unemployment as a result of the loss of a vessel by shipwreck, in addition to the discharge allowance which amounts to one month's wages for each year of service, and a proportional amount for any fraction of a

year. Article 2 of the Convention provides that an indemnity, which may be limited to two months' wages, shall be paid in the event of unemployment as a result of shipwreck.

In view of the foregoing, there may be some cases in which the rules laid down by the Grand Colombian Merchant Fleet fall short of the provisions of Article 2 of the Convention. The Committee would be glad therefore if in its next report the Government would be good enough to indicate the manner in which any possible discrepancies in this respect are met and what measures, if such are necessary, it contemplates taking in order to amend the above-mentioned rules so as to bring them into conformity with the requirements of the Convention.

The Committee would also be glad if the Government would supply information regarding the practical application of the Convention, as requested in the form of report (number of vessels wrecked or otherwise lost and number of cases in which indemnities have been granted under Article 2 of the Convention).

*Mexico* (ratification : 20.5.1937). The Committee takes note with interest of the new information supplied in the report for the period 1954-55, and of the Government's statement that it considers that Article 2 of the Convention is given effect to by section 221 of the Act respecting General Routes of Communications. This section lays down that "harbourmasters may not authorise the sailing of vessels whose owners or agents cannot prove that the crews of their vessels enjoy insurance for accidents, labour and welfare".

However, the Committee would be grateful if the Government would be good enough to state in its next report whether the insurance provided for in the above-mentioned Act implies that, in the case of unemployment as a result of the shipwreck of any vessel, the seamen in question receive an indemnity, which may be limited to two months' wages, against unemployment resulting from the loss of the vessel.

The Committee would also be glad if in its next report the Government would supply the information requested in the form of report, on the practical application of the Convention (number of vessels shipwrecked or otherwise lost and the number of cases in which indemnities have been granted, in conformity with Article 2 of the Convention).

*Nicaragua* (ratification : 12.4.1934). The Committee took note of the information supplied for the period 1953-54, according to which section 155 of the Labour Code lays down that a seaman is entitled, in the event of shipwreck, to compensation (which varies according to the nature of the contract), provided the shipowner has insured the vessel, whereas Article 2 of the Convention lays down that an indemnity shall be paid in any case and that this indemnity may be limited to two months' wages.

In these circumstances, the Committee would be grateful if the Government would be good enough to indicate, in its next report, what measures it contemplates taking to bring the national legislation into conformity with the Convention.



*Norway* (ratification : 21.7.1936). In response to the observations made by the Committee in 1955, the Government states that, by virtue of the provisions of the Royal Decree of 11 December 1936, section 41 (3) of the Seamen's Act (which came into force on 1 January 1954) applies to seamen who are citizens of States which have ratified the Convention. However, the Committee wishes to point out that the Convention, which provides for the payment of an indemnity to all seamen, does not allow for any exception on the grounds of nationality.

The Committee therefore hopes that the Government will find it possible to take the necessary action in the near future.

*Sweden* (ratification : 1.1.1935). With reference to the observations which it made in 1955 the Committee notes, from the information supplied by the Government to the Conference Committee last year and reaffirmed in this year's report, that the Government still has under consideration the question of ensuring conformity between the national legislation and the provisions of the Convention, which provides for the payment of an indemnity to all seamen and does not allow for any exception on the grounds of nationality.

The Committee hopes that the Government will find it possible to take the necessary action in this respect in the near future.

*Yugoslavia* (ratification : 30.9.1929). The Committee notes that, by virtue of the system in force in Yugoslavia, seamen's articles of agreement are not terminated in the event of shipwreck and that the undertaking is obliged to pay the salaries of seamen up to the date on which the contract expires or until the seaman is transferred to another vessel. The Committee also notes that, if the vessel is wrecked before the contract expires, the seaman is entitled to the unemployment benefits provided for by the general unemployment insurance system.

The Committee would be grateful if the Government would supply in its future reports information on the practical application of the Convention, as requested in the form of report (information concerning the number of vessels wrecked or otherwise lost, the number of cases in which indemnities have been granted in virtue of Article 2 of the Convention, etc.).

#### *Convention No. 9: Placing of Seamen, 1920.*

Number of reports requested : 26.

Number of reports received : 24.

Reports not received : 2.

(*Rumania, Spain.*)

*Colombia* (ratification : 20.6.1933). The Committee took note of the general statement supplied by the Government to the Conference Committee in 1955, to the effect that—

any international Convention ratified by this country automatically becomes a law of the Republic and repeals any previous law or any provision which would be contrary to the standards set by the Convention.... This procedure is certainly satisfactory in the case of Conventions which do not call for positive legislative action, but not in the case of Conventions which do require such positive action....

In view of the fact that some provisions of Convention No. 9 call for positive action on the part of the Government, the Committee would be grateful if the Government would be good enough to indicate what legislation or regulations it contemplates enacting to give effect to the following Articles of the Convention :

Article 2, paragraph 1. "The business of finding employment for seamen shall not be carried on by any person, company or other agency as a commercial enterprise for pecuniary gain...."

Article 2, paragraph 2. "The law of each country shall provide punishment for any violation of the provisions of this Article."

Article 4, paragraph 1. "Each Member which ratifies this Convention agrees that there shall be organised and maintained an efficient and adequate system of public employment offices for finding employment for seamen without charge."

Article 5. "Committees consisting of an equal number of representatives of shipowners and seamen shall be constituted to advise on matters concerning the carrying on of these offices. The Government in each country may make provision for further defining the powers of these committees...."

*Mexico* (ratification : 1.9.1939). The Committee notes from the information supplied for the period 1954-55 that trade unions have the right to act, and, in fact, do act, as employment agencies in admitting as members, and finding employment for, applicants seeking work in specific occupations. This does not appear to be sufficient to ensure the application of the following articles of the Convention :

Article 4, paragraph 1. "Each Member which ratifies this Convention agrees that there shall be organised and maintained an efficient and adequate system of public employment offices for finding employment for seamen without charge...(a) by representative associations of shipowners and seamen *jointly* under the control of a central authority...."

Article 5. "Committees consisting of an equal number of representatives of shipowners and seamen shall be constituted to advise on matters concerning the carrying on of these offices...."

The Committee would be grateful if the Government would be good enough to state what measures it contemplates taking to ensure the application of the above-mentioned provisions of the Convention.

*Nicaragua* (ratification : 12.4.1934). The Committee took note of the general information supplied by the Government for the period 1953-54, to the effect that the ratification of this Convention by Nicaragua gives force of national law to its provisions. However, the Committee would be grateful if the Government would be good enough, in its next report, to supply information regarding the legislation and regulations which

give effect to the following Articles of the Convention, which call for positive action by the Government :

Article 2, paragraph 1. "The business of finding employment for seamen shall not be carried on by any person, company or agency as a commercial enterprise for pecuniary gain" . . . ;

Article 2, paragraph 2. "The law of each country shall provide punishment for any violation of the provisions of this Article."

Article 4, paragraph 1. "Each Member which ratifies this Convention agrees that there shall be organised and maintained an efficient and adequate system of public employment offices for finding employment for seamen without charge . . . ."

Article 5. "Committees consisting of an equal number of representatives of shipowners and seamen shall be constituted to advise on matters concerning the carrying on of these offices. The Government in each country may make provision for further defining the powers of these committees . . . ."

*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). With reference to the observations which it made in 1955, the Committee takes note with interest of the Government's statement to the effect that section 101 of the Labour Code prohibits the employment of persons under 14 years of age except on light work during the holiday period and provided such persons have attained the age of 12 years.

*Nicaragua* (ratification : 12.4.1934). The Committee takes note of the statement made by the Government in its report, to the effect that employers of persons between 12 and 14 years of age are obliged to allow such persons to attend primary school. The Committee would be glad if the Government would indicate, in its next report, whether the compulsory minimum period of school attendance is at least eight months, as laid down in Article 2 of the Convention.

*Convention No. 11: Right of Association (Agriculture), 1921.*

Number of reports requested : 37.

Number of reports received : 34.

Reports not received : 3.

(China, Spain, Venezuela.)

*Chile* (ratification : 15.9.1925). In its report the Government stresses the fact that, in its opinion, the different points to which the Committee has drawn attention do not imply that

there is a discrimination between workers employed in industry and agricultural workers as regards the right of association. The report states clearly that in certain cases the legislation contains provisions which are more favourable for agricultural workers.

The Committee feels obliged to point out that, under the terms of Article 1 of the Convention, the Government has undertaken "to secure to all those engaged in agriculture the same rights of association and combination as to industrial workers, and to repeal any statutory or other provisions restricting such rights in the case of those engaged in agriculture", but that since 1947 the legislation in Chile has restricted the rights of association and combination of agricultural workers as regards the following points :

(1) By virtue of the provisions of section 426 of the Labour Code agricultural workers can set up trade unions only within an estate, whereas according to section 366 of the Code trade unions of industrial workers may set up two types of unions : works unions (*sindicatos industriales*) or occupational trade unions (*sindicatos profesionales*).

As a result of the difference established by the legislation in this respect, agricultural workers are not allowed to set up "occupational trade unions" and are deprived of—

- (a) the right to set up trade unions extending beyond an agricultural undertaking ;
- (b) the right to set up federations and confederations.

(2) As the Committee pointed out in 1954, the provisions of section 433 of the Labour Code result *in fact* in prohibiting seasonal or occasional workers from setting up trade unions. In fact, by virtue of the terms of this section of the Code, 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.

A provision of this nature is even likely to result, in fact, in prohibiting all possibility of setting up a union, in particular on estates which employ a large proportion of seasonal or occasional workers.

Finally, the Committee is obliged to refer to the detailed observations which it has made since 1953 and can only express the hope that the Government—which on a number of occasions during past years has assured the Conference Committee that it would make the necessary amendments to the national legislation—will be able to indicate at the forthcoming session of the Conference what steps it intends to take to comply with its obligations.

*Egypt* (ratification : 3.7.1954). The Committee takes note of the first report supplied by the Government on the application of the Convention. It notes with interest that section 23 of Legislative Decree No. 319 of 8 December 1952, respecting trade unions of workers, makes liable to a fine any employer who dismisses one of his workers by reason of union membership. However, the Committee also notes that section 40 of Legislative Decree

No. 317, to which the Government refers in its report, enumerates the cases in which the employer shall be entitled to terminate the contract without paying an indemnity or damages; and that section 39 (b) of this Legislative Decree permits workers who are dismissed without cause to appeal for suspension of the effect of the dismissal. It would appear that this last provision constitutes—in the opinion of the Egyptian Government itself—a supplementary measure designed to safeguard the right of association. The Committee, therefore, wishes to draw the attention of the Government to the fact that section 1 (c) of the above-mentioned Legislative Decree No. 317 excludes, in particular, from the scope of this text “employees of establishments where no machinery is used”. This provision results in fact in depriving certain agricultural workers of the protection afforded by virtue of sections 39 (b) and 40 of this Legislative Decree even though it may not constitute discrimination as compared with other workers. The Committee would, therefore, be grateful if the Government would be good enough to state in its next report whether it contemplates making the required amendments to the national legislation in this respect.

*Convention No. 12: Workmen's Compensation (Agriculture), 1921.*

Number of reports requested : 24.

Number of reports received : 23.

Reports not received : 1.

(Spain.)

No observations.

*Convention No. 13: White Lead (Painling), 1921.*

Number of reports requested : 26.

Number of reports received : 21.

Reports not received : 5.

(Argentina, Rumania, Spain, Venezuela, Viet-Nam.)

*Afghanistan* (ratification : 12.6.1939). The Committee notes from this year's report that the text of the Convention will be incorporated in the Afghanistan Labour Act and earnestly hopes that it will be possible for the Government to take the necessary steps to ensure, at an early date, the enforcement of the provisions of the Convention.

*Colombia* (ratification : 20.6.1933). The Committee noted that during the past years there appeared to be no legislation to ensure the application of the Convention. In 1954 the Government stated that Act No. 15 of 1925 had been adopted in this respect, but the Committee was obliged to ask for details regarding this Act, which did not appear to refer to the matters dealt with by the Convention. In 1955 the Government stated to the Conference Committee that, according to the Constitution of Colombia, any international Convention ratified by this country automatically becomes a law of the Republic and repeals any previous

law or any provision which would be contrary to the standards of the Convention; the Government admitted, however, that this procedure is not satisfactory in the case of Conventions which require positive action, but stated that in such cases the Government can take the necessary action by means of regulations.

In view of the fact that the present Convention calls for the adoption of positive measures and that, in spite of the requests made by the Committee on various occasions, the last report contains no new information in this respect, the Committee again requests the Government to state what measures it has taken or contemplates taking to give effect to the Convention.

*Italy* (ratification : 22.10.1952). The Committee took note of the statement made by the Government representative to the Conference Committee in 1955, and reproduced in the Government's last report, to the effect that legislative measures are still under consideration by the Ministry of Industry and Commerce, with a view to prohibiting the use of white lead, sulphate of lead and all products containing these pigments in the internal painting of buildings, and the employment of young persons under 18 years of age and women in painting work involving the use of the above-mentioned pigments.

The Committee would, however, like to draw the attention of the Government to the fact that the provisions of certain legislative texts now in force respecting measures of industrial hygiene and safety do not seem to be in full conformity with the provisions of Articles 5, 6 and 7 of the Convention, which deal with regulations for the use of the above-mentioned substances in work for which the use of such substances is not prohibited.

The Committee hopes that the necessary measures to ensure the complete application of the Convention will be adopted at an early date and it would be grateful if the Government would supply information regarding the progress made in this respect.

*Mexico* (ratification : 7.1.1938). The Committee takes note with interest of the information supplied by the Government in its report, which indicates that white lead, sulphate of lead and other products containing these pigments are in fact no longer employed in the preparation of paint, and that the Secretary of Labour has requested the competent services to supply detailed information on the regulations issued to ensure the application of the Convention.

The Committee would be grateful if the Government would supply, in its next report, information regarding the regulations in question.

*Nicaragua* (ratification : 12.4.1934). The Committee notes that in its reports the Government, on the one hand, indicates in a general way that the ratification of the Convention by the National Congress in 1934 gave force of law to the Conventions and, on the other hand, refers to section 125 of the Labour Code, which prohibits the employment of children under 18 years of age in industrial painting work in

which toxic materials or products are used ; this provision would give effect to Article 3 of the Convention only.

In view of the fact that the Convention calls for regulations to ensure its application, the Committee would be grateful if the Government would be good enough to state, in its next report, what measures it contemplates taking to give full effect to the Convention.

*Yugoslavia* (ratification : 30.9.1929). In its report for the period 1953-54 the Government indicated that special regulations were being prepared in order to ensure the strict application of the Convention. The Committee takes note with satisfaction of the adoption of the Decision of 23 June 1955 respecting the use of white lead and sulphate of lead ; according to the report for 1954-55 the provisions of this Decision appear to give effect to the provisions of the Convention, except as regards general preventive and protective measures for working painters provided for by Article 5, paragraphs I (b) and II of the Convention and, in particular, as regards measures relating to paint in the form of spray.

The Committee would be grateful if the Government would be good enough to supply, in its next report information on these points, as well as the text of the general regulations concerning measures for the protection of the workers' health and safety, which is mentioned in the report.

*Convention No. 14: Weekly Rest (Industry), 1921.*

Number of reports requested : 38.

Number of reports received : 33.

Reports not received : 5

(*China, Israel, Rumania, Spain, Venezuela.*)

*Bolivia* (ratification : 19.7.1954). The Committee takes note with interest of the first report supplied by the Government on this Convention. It would, however, be glad if the Government would include in its next report the following information :

(1) A full list of the legislation and regulations which apply the provisions of the Convention, together with copies of any texts not already communicated to the I.L.O. (Point I of the form of report.)

(2) As regards Article 1 of the Convention, the Committee would like to know whether the term "public employee", as used in section 1 of the regulations, covers workers and employees in public undertakings or works.

(3) Information on what use, if any, has been made of the exception authorised under Article 3 of the Convention.

(4) Information on the use made of the exceptions authorised under Article 4, and a list of such exceptions as required in virtue of Article 6 of the Convention ; in this connection the Committee notes that section 30 of the Regulations of 23 August 1943 refers to a Supreme Decree of 30 August 1927 prescribing the work which may be carried out on Sundays,

and it points out that this decree has not been made available to the I.L.O.

(5) Information on the provisions which may have been made, in accordance with Article 5 of the Convention, for compensatory periods of rest as regards the exemptions authorised under section 42 of the Code, the exceptions made under section 30 of the regulations, and any other exceptions. The Committee notes in this connection that section 31 of the Regulations of 23 August 1943, issued under the Labour Code, provides that a compensatory day of rest should be granted, but that the employer, if he wishes, may replace this compensatory day by paying double wages for work on Sundays ; the Committee points out that this provision allows more latitude to the employer than is envisaged under the Convention.

(6) Information relating to any relevant decisions given by courts of law and to the practical application of the Convention, as requested under Points IV and V of the form of report.

*Colombia* (ratification : 20.6.1933). The Committee takes note with interest of the information supplied in reply to the observation made in 1955. It notes that the Government hopes to forward to the I.L.O. at an early date the list of exceptions authorised under Articles 3 and 4 of the Convention, in conformity with Article 6.

The Committee also notes that section 4 of the Labour Code provides that "employees in state undertakings, public works and other state services shall not be governed by this Code, but by special measures to be subsequently communicated". Since the Government has not referred in its reports to any such special measures, the Committee would be grateful if it would indicate in its next report whether the employees in question are entitled to a day of weekly rest as required under Articles 1 and 2 of the Convention, and if so, in virtue of what provisions.

*Cuba* (ratification : 20.7.1953). The Committee is pleased to note that the workers employed in road transport and drivers of motor cars for hire are entitled to a weekly day of rest, although exempted from the relevant provisions of Decree No. 2513. The Committee would be glad, however, if the Government would indicate in its next report in virtue of what provisions the workers in question are entitled to a day of weekly rest.

The Committee would also be glad if the Government would supply, in its next report, the information already requested in 1955, regarding the position of employees having a share in the profits and receiving more than 200 pesos a month, who are exempted under section VI of Decree No. 2513.

*Czechoslovakia* (ratification : 31.8.1923). The Committee would be grateful if the Government would be so good as to include in its next report, in conformity with Article 6 of the Convention, a list of the exceptions authorised in virtue of Articles 3 and 4.

*Denmark* (ratification : 30.8.1935). The Committee notes that, under section 36 of the Act of 11 June 1954, the Minister of Social Affairs is to prescribe rules relating to compensatory periods of rest, but that these rules have not yet been issued. The Committee hopes that the rules will have been prescribed by the time the Government sends its next report and that the Government will indicate in that report the contents of such rules.

*Finland* (ratification : 19.6.1923). The Committee thanks the Government for the detailed information supplied in reply to the observations made in 1955. It notes in particular that in inland waterways the weekly day of rest may be reduced to a minimum period of 12 hours' leave per 24 hours, twice a month, if the employer and worker reach an agreement on this subject. The Committee would be grateful if the Government would include in its next report any available information on the approximate number of workers engaged in the transport of passengers and goods by inland waterways who are affected by this provision.

*France* (ratification : 3.9.1926). The Committee would be grateful if the Government would indicate in its next report what are the special regulations which govern the weekly day of rest of workers employed in railways and in waterways transport undertakings.

*Greece* (ratification : 11.5.1929). The Committee takes note with interest of the information supplied by the Government in reply to the observation made in 1954 regarding the scope of the legislation relating to weekly rest.

It notes in particular that all work on Sunday is prohibited in industry, handicrafts and commerce (section 1 of the decree of 8-14 March 1930) and that the terms "industry" and "handicrafts" are taken to include all work carried out with a view to the production of goods or the transformation of raw materials. The Committee also takes note with interest of the Ministry of Labour's circular of 1953 regarding the application of the legislation on weekly rest, which provides that the day of rest must as far as possible coincide with Sunday, and of the fact that any wage earner having worked on a Sunday is entitled to a compensatory day of rest.

The Committee nevertheless is not quite clear as to the scope of the terms "industry" and "handicrafts" and the interpretation of "wage earner", and would therefore be grateful if the Government would indicate in its next report whether these terms cover in fact the following types of undertakings enumerated in Article 1 of the Convention or whether they are governed by some other provision : (1) mines, quarries, etc.; (2) construction, repair, etc., of buildings, tramways, waterworks, etc.; (3) transport of passengers by road or inland waterways, including the handling of goods at docks, etc. The Committee would also be glad to have the Government's assurance that public as well as private "industrial undertakings" are covered by the relevant provisions.

As regards transport by rail, the Committee

is pleased to note that it is proposed to modify the regulations covering railway workers so as to ensure that four days' rest per month should be granted to workers such as station employees and linesmen who at present are entitled to only two days' rest a month. The Committee would be glad if the Government would keep it informed of the progress made with regard to the entry into force of the new draft regulations.

*India* (ratification : 11.5.1923). The Committee notes that the Factories (Amendment) Act of 1954, which is mentioned in the Government's report on Convention No. 1, contains provisions relating to the exemption of certain workers from the right to one day of rest in the week.

The Committee refers to Article 6 of the Convention, which provides that a list of the exceptions to the weekly rest provisions should be regularly communicated to the I.L.O. It would, therefore, be grateful if the Government would indicate in its next report what rules may have been made by the provincial governments under section 64, paragraph 2 (a), (d), (e), (f), (g), (h) and (j) of the Principal Act, which authorised the exemption of certain categories of workers from the weekly rest provisions, and under section 65, which provides that any or all adult workers in a factory may be exempted in cases of exceptional pressure of work. The Committee would be grateful if, on this occasion, the Government would also supply full information on the exceptions authorised under the Mines Act and the Railways Act.

*Ireland* (ratification : 22.7.1930). No new information having been supplied on this Convention since 1949, the Committee would be grateful if the Government would indicate in its next report whether any modifications have been made in the list of exceptions to the weekly rest provisions (Article 6 of the Convention).

The Committee would also be glad if the Government would state in its next report how the day of weekly rest is ensured for workers employed in mines and in the transport of persons and goods (other than the transport of passengers by road), both of which categories are covered by Article 1 of the Convention.

*Poland* (ratification : 21.6.1924). The Committee notes that the Government has not indicated since 1949 whether any modifications have been made in the list of exceptions made under Articles 3 and 4 of the Convention. This information should be communicated to the I.L.O. every two years in accordance with Article 6. The Committee would therefore be grateful if the Government would supply this information in its next report, and if it would indicate what decisions affecting the day of weekly rest may have been taken under the decree of 29 March 1951 which provides that the Council of Ministers may increase the weekly hours of work in cases of economic necessity.

*Yugoslavia* (ratification : 1.4.1927). The Committee notes that, according to the statement

made by a Government representative to the Conference in 1955, the authorised exceptions were in practice in conformity with the provisions of the Convention and that a list of these exceptions would be communicated in the Government's next report. The Committee finds, however, that this information is not contained in the Government's report and expresses the hope that the Government will communicate this list without fail in its next report, as required under Article 6 of the Convention.

The Committee also notes that the Government does not refer to the Bill respecting Labour Relations, whose provisions, as indicated in a statement to the Conference in 1954, are to deal with weekly rest. The Committee would be glad if the Government would indicate in its next report what are the prospects for the passing of this Bill.

*Convention No. 15: Minimum Age (Trimmers and Stokers), 1921.*

Number of reports requested : 33.

Number of reports received : 31.

Reports not received : 2.

(Rumania, Spain.)

*China* (ratification : 2.12.1936). As regards Article 1 of the Convention, see under Convention No. 7 (Article 1).

Article 2. The report states that, by virtue of the Civil Code and section 6 of the Regulations concerning the supervision of crews, young persons under 20 years of age may not be employed as seamen (i.e. also as trimmers or stokers) without the authorisation of their legal representatives. The Committee would be grateful if the Government would be good enough to indicate in its next report if this authorisation can be granted in respect of young persons under 18 years of age, or if the national legislation contains a provision prohibiting the employment of such young persons as trimmers or stokers, as laid down in the Convention.

Article 3. As no facilities are provided for the training of lower-grade seamen, the Government requests that the exception provided for in clause (a) of this Article, as regards the employment of young persons on school ships or training ships, should be extended to apprentices between 16 and 18 years of age employed on board merchant vessels.

The Committee has carefully examined this point, but came to the conclusion that neither the International Labour Office nor itself is competent to extend the exception to cases not covered by the Convention. In addition, its examination has not led the Committee to share the Government's point of view. It would appear that, when the Conference adopted this provision, it intended to limit the exception in question solely to cases of apprenticeship on board school ships where there is no intention of benefiting in any way from the work of apprentices and where their work is subject to direct and constant supervision. The Committee is, therefore, of the opinion that the exception in question cannot be

extended to other cases and would be grateful if the Government would be good enough to indicate in its next report that it has taken the necessary action to ensure the complete application of the Convention in the future.

*Cuba* (ratification : 7.7.1928). The Committee notes that, according to section 26 of Legislative Decree No. 883 of 27 May 1953, "every shipmaster is required to keep a register of persons under 16 years of age employed on board . . .", whereas Article 5 of the Convention lays down that "every shipmaster shall be required to keep a register of all persons under the age of 18 years employed on board . . . or a list of them in the articles of agreement".

The Committee therefore ventures to draw the attention of the Government to this discrepancy and hopes that in its next report the Government will indicate what measures it contemplates taking in order to establish full conformity between the provisions of the national legislation and those of Article 5 of the Convention.

*Nicaragua* (ratification : 12.4.1934). The Committee would be grateful if the Government would be good enough to supply in its next report on this Convention the information requested under Convention No. 7.

*Uruguay* (ratification : 6.6.1933). The Committee notes that the draft regulations concerning the application of this Convention, which was ratified 23 years ago, have been submitted to the Executive Branch.

*Convention No. 16: Medical Examination of Young Persons (Sea), 1921.*

Number of reports requested : 34.

Number of reports received : 32.

Reports not received : 2.

(Rumania, Spain.)

*Brazil* (ratification : 8.6.1936). In 1955 the Committee noted that, according to the statement made by the Government representative to the Conference Committee, sections 416 and 418 of the Brazilian Labour Code are supplemented by section 112 of the Harbour Authorities Regulations, which require—as laid down in the Convention—a medical examination at intervals of not more than one year. The Government representative also stated that the Government considered amending section 418 of the Code in order to provide for at least one medical examination each year.

As the last report gives no information in this respect, the Committee would be grateful if in its next report the Government would supply information on the action taken as regards the proposed amendment to the legislation. It would also be glad if the Government would supply the text of section 112 of the Harbour Authorities Regulations.

*Canada* (ratification : 31.3.1926). The Committee noted that new regulations concerning the medical examination of seamen were adopted on 5 May 1955. As these regulations cover only seafarers engaged on vessels of over 200 tons



gross register and engaged in a foreign voyage or in a home trade voyage extending south of the 36th parallel of north latitude, whereas the present Convention is applicable to young persons under 18 years of age employed on all ships of any nature whatever engaged in maritime navigation (Article 1), the Committee would be glad if the Government would supply information in its next report on the scope of the legislation giving affect to the Convention.

*China* (ratification : 2.12.1936). As regards Article 1 of the Convention, see under Convention No. 7 (Article 1).

The Committee also notes that, under the national legislation, a medical examination is required in respect of certain categories of deck and engine-room officers only, whereas Article 2 of the Convention lays down that the employment of any child or young person under 18 years of age on any vessel shall be conditional upon production of a medical certificate attesting fitness for such work.

The Committee also notes that, according to the national legislation, the repetition of the medical examination shall take place every five years, whereas according to the provisions of Article 3 of the Convention, the medical examination shall take place at intervals of not more than one year as regards children or young persons under 18 years of age.

Finally, the Committee notes that, according to the report, the legislation does not contain any special provisions for children, as the latter are not authorised to work on board vessels. However, as the reports on Conventions Nos. 7 and 15 indicate that authorisation for employment may be given by the legal representatives of the children concerned, the Committee would be grateful if the Government would state in its next report what measures it contemplates taking to bring the national legislation into conformity with the above-mentioned provisions of the Convention.

*Colombia* (ratification : 20.6.1933). The Committee thanks the Government for the detailed information which it has been good enough to supply and according to which the internal labour regulations of the Grand Colombian Merchant Fleet are applied to all persons employed on board vessels.

*Nicaragua* (ratification : 12.4.1934). The Government makes a general statement to the effect that the approval of the Convention by the National Congress has resulted in its provisions being incorporated in national law.

The Committee would be grateful if the Government would be good enough to supply details in its next report on the following points :

Article 2 of the Convention. According to this Article the medical certificate issued to children and young persons under 18 years of age must be signed by "a doctor . . . approved by the competent authority". The Committee would be grateful if the Government would be good enough to indicate how the doctors who are authorised to issue the medical certificates in question are appointed and what is the authority responsible for giving this approval.

Article 4. The Committee would be grateful if the Government would be good enough to state if it has made use of the provisions of this Article and, if so, to indicate what is the competent authority which, in urgent cases, allows a young person below the age of 18 years to embark without having undergone the prescribed medical examination.

Article 8. Under the provisions of this Article each Member which ratifies the Convention undertakes to take such action as may be necessary to make its provisions effective. The Committee would be grateful if the Government would be good enough to indicate what action has been taken for this purpose and to state in particular what are the penalties applicable to any case where a young person below 18 years of age has been employed on board ship without having undergone the medical examination prescribed by the Convention.

*Uruguay* (ratification : 6.6.1933). See under Convention No. 15.

*Convention No. 17: Workmen's Compensation (Accidents), 1925.*

Number of reports requested : 24.

Number of reports received : 22.

Reports not received : 2.

(*Argentina, Spain.*)

*Chile* (ratification : 8.10.1931). With reference to its previous observations, the Committee notes that the Committee entrusted with the study of amendments to the Labour Code, to ensure the application of ratified Conventions, has completed its work, but that, in view of the complicated nature of some of these amendments, the Government has not yet been able to approve them.

The Committee again expresses the hope that, at an early date, it will be possible for the proposed amendments to be made to section 276 of the Labour Code so that, in case of permanent partial incapacity, a worker is entitled to a pension, as provided for in Article 5 of the Convention.

*Colombia* (ratification : 20.6.1933). The Committee thanks the Government for the information which it has been good enough to supply in its report, in response to the observations made previously as regards the application of Article 5 of the Convention.

The Committee notes that, according to the information supplied, the compensation provided for by Colombian legislation is paid to persons who sustain accidents, or to their dependants, solely in the form of a lump sum ; the Government states that this measure facilitates the acquisition of a dwelling place or the opening of a business and that, as this has always been the case, the Government does not consider it necessary to exercise any control over the utilisation of this compensation. Nevertheless the Committee points out that Article 5 lays down that compensation may only be paid in the form of a lump sum provided that the competent authority is satisfied that the compensation will be properly utilised. The

Committee would be glad if the Government would be good enough to indicate what measures it contemplates taking to give effect to this provision of the Convention.

The Committee also wishes to point out that, according to section 4 of the Labour Code, public servants would be covered by special provisions; it would be glad, therefore, if the Government would be good enough to specify what are these provisions, in view of the fact that the Convention is applicable to workers engaged in public as well as in private undertakings (Article 2).

*Czechoslovakia* (ratification : 12.6.1950). The Committee takes note with interest of the detailed reply to the observation it made in 1955 as regards the proper utilisation of compensation payable to injured workmen or their dependants (Article 5 of the Convention).

*Hungary* (ratification : 19.4.1928). The Committee thanks the Government for the supplementary information which it has supplied in its last report, in response to the observations made in 1955. It notes with interest that section 107 of the Labour Code provides benefits (sickness allowance) for persons who sustain occupational accidents, from the first day of incapacity (Article 6 of the Convention), as well as therapeutic assistance, including artificial limbs and surgical appliances as necessary and free of charge (Article 10 of the Convention).

*Mexico* (ratification : 12.5.1934). The Committee thanks the Government for the information which it has been good enough to supply in response to the observations made in 1955, to the effect that section 37 (I) of the Social Insurance Act provides for the supply and the renewal of artificial limbs and surgical appliances, as stipulated in Article 10 of the Convention.

*Netherlands* (ratification : 13.9.1927). The Committee took note with interest of the statement made by the Government representative to the Conference Committee and of the information contained in this year's report, in reply to the observations made in 1955, to the effect that the necessary amendments to bring section 17 of the Act of 1921 into full harmony with Article 7 of the Convention (additional compensation where the injured workman must have the constant help of another person) were incorporated in a Bill, amending the law in various aspects, which will be submitted to Parliament as soon as technical consultations with the executive bodies concerned are terminated.

The Committee would be grateful if the Government would supply, in its next report, information on the progress made in this connection.

*Nicaragua* (ratification : 12.4.1934). The Committee notes that the Government's report refers on the one hand to the fact that ratification by the National Congress in 1934 gives force of national law to the Convention, and on the other hand to several sections of the Labour Act as well as to several sections of the

Labour Code of 1945. Since some provisions of the Convention call for positive action by the Government, and since Articles 2, 6 and 9 of the Convention appear to be applied by the Labour Code, the Committee would be glad if the Government would be good enough to supply, in its next report, additional information on the following points :

(1) with regard to the scope of application (Article 2 of the Convention) the Committee would be grateful to be informed whether workmen in public undertakings are covered by the Labour Code;

(2) under section 103 of the Labour Code the labour judge may, in the case of accidents occurring in small-scale undertakings (those employing not more than 12 workers if power-driven machinery is used, or not more than 30 workers if power is not used), fix lower compensation, provided that it is not less than one-eighth of the compensation regularly due. This provision restricts considerably the application of the Convention in so far as workers in such undertakings are concerned;

(3) as regards Article 5 no provision seems to exist ensuring the proper utilisation of the lump-sum payments for compensation in case of permanent incapacity or death;

(4) it is not clear whether the national legislation provides for additional compensation in cases where an injured workman must have the constant help of another person (Article 7), for measures of supervision and methods for the review of compensation (Article 8), and for the supply and normal renewal of artificial limbs and surgical appliances to the injured workman (Article 10).

*Poland* (ratification : 3.11.1937). The Committee takes note with interest of the detailed information supplied by the Government regarding the modifications made to, among other provisions, the provision regarding the granting of benefits in case of invalidity or death arising out of an industrial accident contained in the decree of 25 June 1954 respecting the general pension scheme for workers and their families.

The Committee notes that section 13 of this decree divides into three groups the persons who are considered as disabled and to whom an invalidity pension is payable.

In view of the fact that the Convention provides in a general way (Article 5) that the compensation payable in the case of accidents which result in permanent incapacity shall normally be paid in the form of periodical payments, the Committee would be grateful if the Government would be good enough to supply in its next report additional information regarding the scope of the provisions of this new decree and, in particular, would indicate if *all* the victims of industrial accidents who become *permanently*, totally or partially incapacitated, are necessarily classified in one of the three groups provided for in the decree of 1954.

*Sweden* (ratification : 8.9.1926). The Committee takes note with interest of the informa-



tion supplied by the Government on the new legislation in force as regards insurance against occupational injuries. It would, however, appear that during the first 90 days after the accident the employment injury insurance scheme is co-ordinated with the sickness insurance scheme in such a way that the relevant insurance schemes refund only 75 per cent. of the cost of medical care and that pharmaceutical aid is in certain cases granted at reduced rates only, while Article 9 of the Convention provides that the cost of medical, surgical and pharmaceutical aids shall be defrayed either by the employer, by an accident insurance institution or by sickness or invalidity insurance institutions.

The Committee would be glad if the Government would be good enough to supply, in its next report, detailed information on the effect given to the provisions of this Article of the Convention and, if necessary, on the measures it intends to take to ensure its full application.

*Uruguay* (ratification : 6.6.1933). The Committee took note of the statement made by the Government representative to the Conference Committee in 1955, from which it appears that the present insurance system guarantees only partially the payment of workmen's compensation in the event of the insolvency of the employer but that, as the Government has stated for several years, Uruguay is still examining the possibility of setting up a compulsory insurance scheme to cover injury arising out of occupational accidents, which would take the place of the existing private insurance scheme.

The Committee therefore refers to the observations which it has made in previous years and expresses the hope that the Government will take the necessary measures at an early date to give full effect to Article 11 of the Convention, which is designed to ensure in all circumstances the payment of compensation to persons who sustain accidents and to their dependants, and to protect such persons against the insolvency of the employer or the insurer.

*Convention No. 18: Workmen's Compensation (Occupational Diseases), 1925.*

Number of reports requested : 28.

Number of reports received : 27.

Reports not received : 1.

(Spain.)

*General Observation*

The Committee notes that the legislation in the different countries appears to apply chiefly to industry and it would therefore be grateful if Governments would indicate in their next reports to what extent the national legislation respecting compensation for industrial accidents and compensation for occupational diseases applies to agricultural workers.

*Colombia* (ratification : 20.6.1933). The Committee wishes to thank the Government for the information which it has been good enough to supply in response to previous observations.

It also refers to the general statement submitted to the Conference Committee in 1955, to the effect that any international Convention ratified by this country automatically becomes a law of the Republic and repeals any previous law or any provision which would be contrary to the provisions of the Convention, but that this procedure is not satisfactory in the case of Conventions which require positive action by the Government which, in such cases, can issue the necessary regulations.

In view of the fact that the Convention calls for the adoption of positive measures, the Committee ventures to point out that it does not appear that the list of industries or occupations mentioned in section 201 of the Colombian Labour Code would cover, as regards anthrax, all the industries and professions enumerated in the list given in Article 2 of the Convention, either in connection with animals or the handling of parts of animal carcasses, as well as in the loading and unloading or transport of merchandise.

The Committee hopes that the Government will be in a position to take the necessary measures to give effect to the above-mentioned provisions of Article 2 of the Convention and will supply, as requested in the form of report, information on the practical application of the Convention.

*Hungary* (ratification : 19.4.1928). See under Convention No. 42.

*Nicaragua* (ratification : 12.4.1934). The Committee notes that, on the one hand, in its report the Government indicates that the ratification of the Convention by the National Congress in 1934 gave force of law to the Convention and that, on the other hand, it refers to a decree of 1953 on the protection of workers in mines (the provisions of which are not directly related to the subject matter of the Convention), as well as to the relevant provisions of Chapter VII of the Labour Code of 1945, which provides in general for compensation for occupational injuries on the basis of the general principles of workmen's compensation legislation.

Nevertheless, as this Convention calls for the adoption of positive measures, and as it is not possible to judge the extent to which the Convention is applied unless the information required in the form of report is supplied, the Committee would be grateful if the Government would be good enough to supply in its next report detailed information on the manner in which the Convention is applied.

*Uruguay* (ratification : 6.6.1933). With reference to its previous observation, the Committee notes that, subsequent to the ratification of the revised Convention (No. 42), Uruguay has formally denounced Convention No. 18, and that the denunciation of the last-named Convention was registered on 17 October 1955.

*Yugoslavia* (ratification : 1.4.1927). The Committee thanks the Government for the information supplied in its last report regarding the new legislation adopted respecting sickness insurance for wage earners and salaried em-

ployees, and respecting the functioning of social insurance offices. However, the Committee notes that, in the list of legislation to give effect to the Convention, the Government refers to previous texts, such as the Social Insurance Act of 21 January 1950, but it no longer mentions the Social Insurance Order of 25 November 1946, which contains the tables of occupational diseases in respect of which compensation is payable. As the new legislation does not appear to abrogate or replace this ordinance, the Committee presumes that it is still in force and would be grateful if the Government would be good enough to state whether this is the case.

*Convention No. 19: Equality of Treatment (Accident Compensation), 1925.*

Number of reports requested : 41.

Number of reports received : 36.

Reports not received : 5.

(*Argentina, China, Indonesia, Spain, Venezuela.*)

*General Observation*

In its report for 1955 the Committee noted that the bilateral social security agreements concluded between certain countries which have ratified the Convention provided for special treatment as regards the payment of benefits due in respect of industrial accidents to nationals of the contracting parties who transfer their domicile to the territory of the other party. The Committee also requested the governments concerned to be good enough to state whether the same treatment was granted to the nationals of States which have ratified Convention No. 19, in order to ensure the principle of equality of treatment laid down in Article 1 of the Convention.

The Committee wishes to thank the States which have replied in their annual reports to this request. It notes with satisfaction that five of these States grant to nationals of countries which have ratified the Convention the treatment which is granted to their own nationals by virtue of the bilateral agreements which they have concluded.

The Committee ventures to request governments to be good enough to forward with their annual reports the text of any social security agreements which they may conclude in the future and also to supply information regarding any amendment made to the national legislation respecting industrial accidents (Article 4 of the Convention).

*Austria* (ratification : 29.9.1928). In supplying general information on the application of the Convention, as requested in the form of report, the Government indicates that the Congress of Austrian Chambers of Labour has pointed out that the application of the Convention meets with certain difficulties when Austrian workers contract occupational diseases abroad, and, in particular, silicosis. The Government adds that in these cases the Austrian insurance refuses to meet the full cost of compensation and that it would appear neces-

sary to conclude special arrangements along the lines of those provided for in Article 1, paragraph 2, of the Convention. The Committee took note of this information although the question of compensation for occupational diseases appears to fall outside the scope of application of this Convention, which deals with the compensation for industrial accidents.

See also General Observation.

*Belgium* (ratification : 3.10.1927). The Committee thanks the Government for the information supplied in response to the observation made in 1955. It notes from this reply that supplementary benefits are granted to Belgian and foreign victims of industrial accidents which resulted in a disability of less than 30 per cent. (with the exception of the loss of one eye) as well as to their parents, brothers, sisters and grandchildren, if they satisfy a needs test and reside in Belgium. Exceptions from this last-named condition are laid down in the Franco-Belgian convention of 17 January 1948 and the Luxembourg-Belgian convention of 3 December 1949 as regards the nationals of the contracting parties. The Committee notes the Government's statement in the report that these supplementary benefits constitute assistance payments which fall outside the scope of Convention No. 19, since the latter relates to workmen's compensation for accidents.

*Bolivia* (ratification : 19.7.1954). The Committee took note of the Government's first report and finds that the information supplied is not sufficient to permit a full appraisal of the degree of application of the Convention. It would be grateful if the Government would be good enough to supply in its next report the information on the application of the Convention requested in the form of report.

*Denmark* (ratification : 31.3.1928). The Committee wishes to thank the Government for the information supplied in response to its observation made in 1955. It notes with satisfaction that under Danish legislation nationals of any Member which has ratified the Convention receive, even when they leave Denmark, the supplements to benefits payable for an industrial accident accorded to Danish nationals by article 21 of the Danish-French convention of 30 June 1951.

*France* (ratification : 4.4.1928). The Committee refers to the general observations made in 1953, 1954 and 1955 as well as to the individual observation made in 1955 concerning the application to the nationals of any Member which has ratified Convention No. 19 of certain provisions contained in bilateral social security agreements concluded by France. The Committee would be grateful if the Government would be good enough to supply in its next report the information requested in 1955 as regards the application to the nationals of other Members which have ratified the Convention of article 23 of the Franco-Belgian convention of 17 January 1948, article 20 of the Franco-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 thanks the Government for the explanations which it has supplied in its report, in response to the observations made in 1955. As regards persons who are resident in Germany, it is not very clear from the information supplied by the Government whether all the recipients of an industrial accident pension who are nationals of one of the States which have ratified the Convention are granted the same increases to pensions as are granted to nationals of the Federal Republic of Germany who are domiciled in the territory of this country.

As regards recipients of pensions who are not domiciled in the territory of the Federal Republic of Germany, the report indicates that increases to pensions are granted only to persons domiciled in countries which have concluded a bilateral agreement (Denmark, France and Switzerland), provided such persons are German nationals or nationals of one of the countries in question. The Government adds that, in its opinion, these increases to pensions cannot be granted to nationals of countries who, having ratified the Convention, have not concluded a bilateral agreement with the Federal Republic of Germany, in cases where the persons concerned are domiciled either in Germany or in one of the countries parties to these agreements (Denmark, France and Switzerland). After examining this matter the Committee is not able to agree with this point of view. In point of fact the application of Article 1, paragraph 1, of the Convention to nationals of States which have ratified the Convention is not in any way governed by the condition that a bilateral agreement shall have been concluded between the States concerned. It follows that, if in a bilateral agreement a State has provided for the payment of increases to a pension for industrial accident compensation to its nationals who transfer their domicile to the territory of the other contracting party to this agreement, the State in question is required to ensure the same treatment to the nationals of other States which have ratified the Convention, according to the principle of equality of treatment laid down in Article 1 of the Convention.

The Committee would be grateful if the Government would be good enough to indicate in its next report what measures it contemplates taking to ensure equality of treatment as regards increases to pensions for all nationals of countries which have ratified the Convention.

*Greece* (ratification : 30.5.1936). The Committee notes with satisfaction that it has been decided to incorporate the special insurance fund for miners, which did not guarantee full equality of treatment to foreign workers, into the general insurance scheme, which already grants such equality, and that this measure may be taken before the 39th Session of the Conference (June 1956).

*Hungary* (ratification : 19.4.1928). The Committee took note of the statement made to the Conference Committee in 1955 to the effect that the transfer of pensions or benefits is made conditional upon authorisation by the Minister

of Finance, under the exchange control measures. The Committee would be grateful if the Government would be good enough to specify in its next report the regulations which govern the granting of this authorisation and would also confirm that these regulations apply equally to Hungarian nationals and to the nationals of States which have ratified the Convention.

The Committee also noted with interest the statement in the Government's report that new legislation concerning retirement pensions for workers (Legislative Decree No. 28 of 1954 and Legislative Decree No. 69-1954-XI.2) does not introduce any modification in the application of the Convention. The Committee would be glad if the Government would be good enough to append to its next report copies of these texts as provided for in the form of report.

*Italy* (ratification : 15.3.1928). The Committee took note of the information supplied by the Government to the Conference Committee in response to the observations made in 1955, to the effect that "Italian legislation respecting industrial injuries and occupational diseases provides for the granting of benefits (including increases and supplements of all kinds) without any conditions as to residence". At first sight, it would appear from this statement that nationals of all States which have ratified the Convention receive the treatment granted to Italian nationals under section 21 of the agreement concluded on 29 May 1951 between Italy and Luxembourg; the Committee notes, however, that, in its annual report, the Government, which reproduces the statement made to the Conference Committee, seems to consider that the principle of equality of treatment laid down in the Convention cannot be extended to the special advantages provided for in bilateral agreements. The Committee would, therefore, be glad if the Government would be good enough to indicate in its next report what is the position in this respect.

*Luxembourg* (ratification : 16.4.1928). The Committee refers to the general observations made in 1953, 1954 and 1955 as well as to the individual observation made in 1955 concerning the application to the nationals of any Member which has ratified Convention No. 19, of certain provisions of bilateral social security agreements concluded by the Grand Duchy of Luxembourg. The Committee would be grateful if the Government would be good enough to include in its next report the information requested in 1955 as regards the application to the nationals of Members which have ratified the Convention, of article 15 of the Luxembourg-Netherlands convention of 8 July 1950, article 21 of the Luxembourg-Italian convention of 29 May 1951, article 21 of the Luxembourg-French convention of 12 November 1949, article 21 of the Luxembourg-Belgian convention of 3 December 1949 and article 23 of the Luxembourg-United Kingdom convention of 13 October 1953.

*Netherlands* (ratification : 13.9.1927). The Committee wishes to thank the Government for the information it was good enough to supply in response to the observation made in

1955. It notes with satisfaction that the nationals of any Member which has ratified the Convention receive the treatment accorded to Netherlands nationals by article 15 of the Luxembourg-Netherlands convention of 8 July 1950.

*Nicaragua* (ratification : 12.4.1934). The Committee notes that the Government's report is not sufficiently detailed to enable it to evaluate the degree of application of the Convention. It would be grateful if the Government would be good enough to supply in its next report the information on the application of the Convention requested in the form of report.

*Sweden* (ratification : 8.9.1926). The Committee had noted with satisfaction in the Government's report for 1951-52 that the Government takes legislative measures, on the occasion of every new ratification of Convention No. 19, designed to accord to the nationals of the ratifying Member equality of treatment with its own nationals in respect of workmen's compensation.

During the period 1954-55 Bolivia and Haiti ratified Convention No. 19. The Committee would be grateful if the Government would be good enough to indicate in its next report whether it has taken or proposes to take the necessary legislative measures.

*Switzerland* (ratification : 1.2.1929). The Committee wishes to thank the Government for the information supplied in response to the observation made in 1955. It notes with satisfaction that the nationals of any Member which has ratified the Convention receive the treatment accorded to Swiss nationals by article 4 of the Swiss-Federal Republic of Germany convention of 24 October 1950.

*United Kingdom* (ratification : 6.10.1926). The Committee notes that in reply to its observation in 1955 concerning payment of supplementary benefits to nationals of ratifying countries not party to bilateral or multilateral agreement, the Government states that the question is being pursued with the countries concerned and a note of progress made during the year in this respect will be given in the next report. The Committee will await this report with interest. The Committee is also glad to receive the assurance of the Government that no case has yet arisen in which a national of a ratifying country has been denied payment of supplementary benefits under United Kingdom legislation.

*Convention No. 20: Night Work (Bakeries), 1925.*

Number of reports requested : 11.

Number of reports received : 10.

Reports not received : 1.

(Spain.)

*Colombia* (ratification : 20.6.1933). The Committee took note of the information submitted by the Government to the Conference Committee in 1955, to the effect that any international Convention ratified by Colombia automatically becomes a law of the Republic.

However, the Committee notes from the report that there are no provisions applying the Convention, and that, while there are references to allied matters in the Labour Code, the Code does not contain any specific provisions prohibiting night work in bakeries.

On the other hand, the Committee notes from the report that the Ministry of Labour is examining measures designed to prohibit the making at night of the products referred to in Article 1 of the Convention; these measures would give effect not only to Article 1 but also to Article 5, which lays down that each Member which ratifies this Convention shall take appropriate measures to ensure that the prohibition prescribed in Article 1 is effectively enforced. The Committee would be glad if the Government would indicate when these measures are to be adopted.

*Cuba* (ratification : 6.8.1928). The Committee takes note of the information supplied by the Government to the effect that work in bakeries in the province of Havana can commence at midnight, without prejudice to the agreement reached between the Bakery Workers' Union and the employers to begin work at an earlier hour. However, the Committee ventures to point out that Article 1 of the Convention prohibits night work in bakeries and that Article 2 defines the term "night" as a period of at least seven consecutive hours including the interval between 11 p.m. and 5 a.m. or in certain circumstances between 10 p.m. and 4 a.m. Consequently, the Committee would be grateful if the Government would state what measures it has taken or contemplates taking to give effect to the provisions of the Convention.

*Convention No. 21: Inspection of Emigrants, 1926.*

Number of reports requested : 23.

Number of reports received : 21.

Reports not received : 2.

(Albania, Venezuela.)

*Japan* (ratification : 8.10.1928). The Committee notes with interest from the Government's report that the Emigrants Protection Law, 1896, is to be repealed and new legislation as well as administrative regulations concerning emigration are now being drafted. The Committee looks forward to receiving in future reports information on this new legislation as well as on its implementation.

*Convention No. 22: Seamen's Articles of Agreement, 1926.*

Number of reports requested : 29.

Number of reports received : 26.

Reports not received : 3.

(Argentina, Spain, Venezuela.)

*General Observation*

In each of the States which have ratified the Convention the national legislation relating to seamen's articles of agreement is generally applicable, as provided for in Article 1 of the

Convention, to vessels registered in the country. However, the Committee notes that in a number of cases there are a few exceptions to this general rule and that seamen's articles of agreement are often subject to the legislation and the regulations of the State or the territory in which the seaman is recruited. The Committee would therefore be grateful if the governments of Members whose legislation contains provisions to this effect would be good enough to state in their next reports the extent to which the application of the Convention is ensured in cases in which the Convention is not actually in force for the State or territory in which recruitment takes place.

*Belgium* (ratification : 3.10.1927). The Committee notes with satisfaction that the Government is considering the submission to Parliament, at the beginning of 1956, of legislation to amend the Act of 5 June 1928 respecting seamen's articles of agreement, so as to bring the legislation into conformity with Article 9 of the Convention, which provides that agreements concluded for an indefinite period may be terminated by either party in any port where the vessel loads or unloads.

*China* (ratification : 2.12.1936). The Committee finds from an examination of the report that fuller information is required as regards certain points which are dealt with below, and it would be grateful if the Government would be good enough to supply this information in its next report.

In a number of cases it has not been possible to examine the legislation giving effect to the Convention, as the text of this legislation was not appended to the report and has not been forwarded to the I.L.O. The Committee would be grateful therefore, if the Government would supply with its next report—

- (1) the text of the Act respecting commercial shipping which is at present in force;
- (2) the text of the regulations respecting the control and working conditions of crews.

Articles 3 and 6 of the Convention. The Committee also notes that the Minister of the Interior contemplates amplifying existing regulations as regards Article 3 and that new forms of agreement, which will include the provisions of Article 6, are now being prepared. The Committee would be grateful if the Government would be good enough to keep it informed as to the progress made in connection with these two points.

Article 8. The report states that this Article is applied in practice. The Committee would be grateful if the Government would supply details regarding the practical measures now in force to ensure the application of this Article.

Articles 4, 9, 10, 12, 13, 14 and 15. The report contains no information regarding the application of these Articles. The Committee would be glad if the Government would be good enough to explain how each of them is applied.

The Committee also notes that the report for the period 1954-55 contains no information

regarding the practical application of the Convention. It would be grateful if, in the future, the Government would supply the information requested in this connection.

Finally, the Committee takes note of the statement contained in the report to the effect that some Chinese shipping companies have reported cases of desertion among members of the crews on board their ocean-going vessels bound for certain countries where illegal organisations endeavour to engage Chinese seamen for exploitation purposes, and that the Government considers effective action is required in order to eliminate such practices.

As there is not sufficient detailed information in this respect the Committee would be grateful if the Government would supply more details regarding cases in which it is apparent that there have been contraventions of the provisions of the Convention, and would also state, in particular, whether the contracts of the seamen in question were for a fixed or for an indefinite period.

*Finland* (ratification : 8.4.1947). The Committee notes that section 13 of the Seamen's Act of 8 March 1924, as amended in particular by the Act of 11 May 1928, does not appear to be in conformity with Article 9 of the Convention. This Article of the Convention lays down that an agreement for an indefinite period may be terminated by either party in any port where the vessel loads or unloads, provided that 24 hours' notice in advance is given, whereas section 13 of the Seamen's Act, as amended by the Act of 11 May 1928, provides that the contracts of seamen of Finnish nationality which are concluded for an indefinite period may be terminated only in a port in Finland or in another port on the Baltic sea where the vessel loads or unloads.

The Committee would be glad if the Government would be good enough to state in its next report whether this is in fact the case and, if so, would specify what measures it contemplates taking to ensure conformity between the provisions of the national legislation and those of the Convention.

*Mexico* (ratification : 12.5.1934). The Committee would be grateful if the Government would be good enough to supply in its next report information on the points dealt with below.

Article 5 of the Convention. As regards the application of this Article, the Government refers to section 111, paragraph XIV, of the Labour Code, according to which employers are required to give free of charge to any employee who is leaving the undertaking and who requests it a certificate in writing concerning his services. Although the legislation does not provide for a prohibition analogous to that laid down in paragraph 2 of Article 5, according to which the document in question should not contain any appreciation of the quality of the seaman's work or any details regarding his wages, the report adds that, as a result of the ratification of the Convention, these provisions have been incorporated in the national legislation. The Committee notes that according to the terms

of the second sentence of paragraph 1 of Article 5, "the form of the document, the particulars to be recorded and the manner in which such particulars are to be entered in it shall be determined by national law". The Committee would be glad if the Government would be good enough to indicate what measures it contemplates taking in order to give effect to the undertaking laid down in this provision.

Article 9. According to the terms of this Article, "an agreement for an indefinite period may be terminated by either party in any port where the vessel loads or unloads, provided that the notice specified in the agreement shall have been given, which shall not be less than 24 hours". However, the Committee notes that, under section 146 of the Labour Code, a seamen's agreement shall not be terminated when the vessel is abroad. The Committee would be glad if the Government would state whether this provision has been abrogated as a result of the ratification of the Convention and, if so, would state whether it does not consider that it would be desirable to take the necessary steps to bring the abrogation of the above-mentioned provision to the notice of the persons concerned.

Articles 13 and 14. This year the report again states that there is no provision in the national legislation to give effect to these Articles. As the Government refers in another part of its report to general provisions, according to which as a result of ratification the Convention has been incorporated in the national legislation, the Committee would be grateful if the Government would be good enough to explain why, in particular, as regards Articles 13 and 14, the provisions of this Convention have not been incorporated in the national legislation.

Finally, the Committee notes with satisfaction that the combined provisions of section 287 of the Act respecting means of communication and section 104 of the Federal Labour Code appear to give effect to Article 7 of the Convention.

*Nicaragua* (ratification : 12.4.1934). The Government refers in its report to provisions contained in Chapter V of the Labour Code of 1945, which deals with employment at sea and on navigable waterways. In view of the fact that section 166 of the Labour Code provides that all the provisions of the Commercial Code relating to seamen's articles of agreement shall continue to apply in so far as they are not contrary to the provisions laid down in the Labour Code, the Committee would be glad if the Government would be good enough to append to its next report the text of the relevant provisions of the Commercial Code.

*Norway* (ratification : 29.3.1940). The Committee felt that section 13 of the Seamen's Act of 1953 did not appear to be in full conformity with Article 9 of the Convention. While the terms of this Article of the Convention provide that an agreement which is concluded for an indefinite period may be terminated in any port where the vessel loads or unloads, provided that not less than 24 hours' notice is given,

section 13 of the above-mentioned Act provides only for the termination of the contract in a Norwegian port.

The Committee would be grateful if the Government would state in its next report whether this is the case and, if so, would be good enough to state what measures it contemplates taking to bring the national legislation into conformity with the provisions of the Convention.

*Poland* (ratification : 8.8.1931). The Committee notes that in its report for the period 1953-54 the Government stated that Polish legislation (Act of 28 April 1952), which does not allow a shipowner to terminate in a foreign port any contract made with a seaman domiciled in Poland, ensures a wider protection of the interests of seamen than that envisaged by the Convention. The Committee wishes to draw the attention of the Government to the provisions of Article 9, paragraph 1, of the Convention, according to which "an agreement for an indefinite period may be terminated by either party in any port where the vessel loads or unloads, provided that the notice specified in the agreement shall have been given, which shall not be less than 24 hours". While it may be considered that the fact of a seaman being assured that his contract may be terminated only in a home port constitutes an advantage, Polish legislation is, on the other hand, less advantageous for the seaman, in that it does not grant him the right, to which he is entitled under the Convention, to terminate a contract concluded for an indefinite period in any port where the vessel loads or unloads.

The Committee therefore requests the Government to be good enough to indicate in its next report what measures it contemplates taking to establish conformity between the national legislation and the provisions of the Convention.

*Uruguay* (ratification : 6.6.1933). In 1955 the Committee requested the Government to supply detailed information regarding the legislative provisions which ensure the application of Article 3, paragraph 2, of the Convention, according to which the conditions under which the seaman shall sign the agreement shall be prescribed by the national legislation, and of Article 8, which provides that the national law shall lay down measures to enable the seaman to obtain clear information on board as to the conditions of employment. In this connection the Government representative stated to the Conference Committee in 1955 that the next annual report would include the information requested.

However, the Committee notes that this year's report contains no new information and that the Government has forwarded for this year a copy of the report which it supplied for the period 1953-54. This report indicates that, as regards Article 3, paragraph 2, the conditions under which the seaman signs the agreement have not been laid down in the national legislation and that agreements are drawn up according to the practice followed by other countries with a large mercantile marine. As regards Article 8, there is no conformity between the national legislation and the Convention but



there appears to be no reason to prevent the taking of the measures provided for by this Article.

Finally, as regards Article 13 (which provides that subject to certain conditions a seaman may claim his discharge if he obtains a post of a higher grade), the Government states that the legislation does not contain any provision which is in conformity with the Convention in this respect, but adds that it is very unlikely that such a case would arise.

In view of the foregoing, the Committee points out that the legislation does not appear to contain the provisions required under Article 3, paragraph 2, and Articles 8 and 13, of the Convention and again requests the Government to indicate what measures it contemplates taking to ensure at an early date the application of those provisions of the Convention which call for the adoption of special measures. In addition, the Committee would be glad to have information regarding the draft regulations for seamen which, as stated by the Government during previous years and, in particular in 1954 by the Government representative to the Conference Committee, had been submitted to the Senate.

*Convention No.23: Repatriation of Seamen, 1926.*

Number of reports requested : 18.

Number of reports received : 17.

Reports not received : 1.

(Spain.)

*Argentina* (ratification : 14.3.1950). The Committee thanks the Government for having communicated the text of sections 174 and 175 of the Consular Regulations which, according to the report, ensure the application of clause (b) of Article 4 and paragraph 1 of Article 5 of the Convention. It notes that the principle of the repatriation of seamen after shipwreck (clause (b) of Article 4) appears to be satisfactorily covered by section 174 of the Consular Regulations. As regards paragraph 1 of Article 5 of the Convention, the Committee would be glad if the Government would indicate whether, in conformity with the terms of this provision, the expenses of repatriation include the transportation charges, the accommodation and the food of the seaman during the journey.

The Committee also notes that no reference is made in the report to paragraph 4 of Article 3 of the Convention, relating to the conditions under which the foreign seaman should be repatriated. It ventures to recall that the Government representative had informed the Conference Committee in 1954 and 1955 that the discrepancies between legislation in force and certain Articles of the Convention would be abolished by the insertion of appropriate provisions in the Bill to amend the existing legislation. The Committee would be glad to know what progress has been made in this connection.

*China* (ratification : 2.12.1936). The Committee takes note with interest of the information supplied on the application of the Convention. It notes that the provisions of paragraph 2 of Article 5 (remuneration paid to a seaman

repatriated as a member of the crew for work done during the voyage) are not covered by the national legislation and it hopes that, as indicated by the Government in its report, the necessary measures will be taken to ensure the application of this provision of the Convention.

Moreover, the Committee would be glad if the Government would be so good as to supply in its next report, as requested in the form of report under paragraph 4 of Article 3, full particulars as to the provisions of the national law or the practice regarding the right to repatriation of a foreign seaman when engaged in a country other than his own, or when engaged in his own country and landed, whether during the term or on the expiration of the agreement, in the country to which the vessel belongs or in some other country.

The Committee would also be grateful if the Government would indicate in its next report, first whether the expenses of repatriation of a seaman who has been shipwrecked shall, as required under Article 4, not be a charge on the seaman, and secondly whether, in conformity with paragraph 1 of Article 5, the expenses of repatriation include the maintenance of the seaman up to the time fixed for his departure.

*Mexico* (ratification : 12.5.1934). The Committee wishes to thank the Government for the information supplied to supplement that furnished in previous years. It would, however, be grateful if the Government would indicate in its next report under what conditions the repatriation of foreign seamen is carried out, supplying the information requested in the form of report under paragraph 4 of Article 3 of the Convention.

*Nicaragua* (ratification : 12.4.1934). The Committee would be grateful if the Government would be good enough to provide supplementary information in its next report on the following points :

(1) Under section 154 of the Labour Code, the obligation to repatriate the seaman is not applicable in cases 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. The Committee would be grateful if the Government would indicate by means of concrete examples the other similar case where it is absolutely impossible to do so.

(2) According to paragraph 4 of Article 3 of the Convention, national law (or the articles of agreement) is to determine the conditions under which a foreign seaman engaged in a country other than his own has the right to be repatriated. The Committee would be grateful if the Government would be good enough to indicate what are the legislative or other provisions which give effect to this paragraph of Article 3 of the Convention.

*Uruguay* (ratification : 6.6.1933). The Committee notes that the report supplied by the Government in 1954 stated that the Commercial Code gives effect to the Convention. The Committee would be grateful if the Government

would supply with its next report the text of the provisions of the Commercial Code which correspond to Articles 3, 4 and 5 of the Convention.

*Convention No. 24: Sickness Insurance (Industry), 1927.*

Number of reports requested : 17.

Number of reports received : 14.

Reports not received : 3.

(Peru, Rumania, Spain.)

*Colombia* (ratification : 20.6.1933). The Committee wishes to thank the Government for the information supplied in reply to the observations made in 1955. It notes with interest that the Government proposed to extend in 1955 the application of the Convention to new regions of the territory; it would be grateful if the Government would indicate in its next report what further steps may have been taken in connection with this project, the regions in which there is as yet no sickness insurance and the action which the Government proposes to take with a view to extending the application of the Convention to the whole territory.

*Czechoslovakia* (ratification : 17.1.1929). The Committee thanks the Government for the information supplied on recent texts relating to sickness insurance. It would be grateful if the Government would attach to its next report copies of the texts in question (Notice No. 169 of 29 July 1954 and Notice No. 194 of 3 September 1954, issued by the Central Trade Union Council and the State Office for Insurance Pensions).

However, the Committee notes with regret that the Government's report does not yet include any information on the practical application of the Convention. It therefore repeats the wish previously expressed that future reports should include the information requested in the form of report, and in particular statistical information on the scope of sickness insurance, the amount of benefits in cash and in kind, the financial resources of the insurance scheme and their distribution, etc.

*Hungary* (ratification : 19.4.1928). The Committee thanks the Government for the detailed information which it has supplied regarding the application of the Convention, in response to the request made by the Committee in 1955. It hopes that in its next report the Government will supply—as requested by the Committee in 1955 and in conformity with the form of report—information on the practical application of the Convention and, in particular, statistical information regarding the scope of sickness insurance, the amount of benefits in cash and in kind, the resources of the insurance scheme and their distribution, etc.

*Nicaragua* (ratification : 12.4.1934). The Committee noted that in 1955 the Government indicated in its report that a Social Security Bill was being drawn up with the help of experts. However, the Committee notes that in its last report the Government does not state what progress has been made in this respect. It would be

grateful if the Government would be good enough to supply this information in its next report and hopes that the Government will take all possible steps to ensure the application of the Convention, which was ratified as far back as 1934.

*Poland* (ratification : 29.9.1948). The Committee notes with regret that this year again the Government's report contains no information on the practical application of the Convention. It therefore repeats the wish previously expressed that the Government's next report should include the information requested in the form of report, including, where such statistics are available, 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.

*Uruguay* (ratification : 6.6.1933). The Committee notes that the technical assistance requested by the Government with a view to establishing a sickness insurance scheme has been granted, and that an expert entrusted with this mission has been sent to Uruguay and has assisted the Government in the drafting of a Bill respecting sickness insurance. It would therefore be grateful if the Government would indicate in its next report the measures taken with a view to ensuring the application of the Convention.

*Convention No. 25: Sickness Insurance (Agriculture), 1927.*

Number of reports requested : 13.

Number of reports received : 12.

Reports not received : 1.

(Spain.)

*Colombia* (ratification : 20.6.1933). The Committee notes with interest that the Colombian Institute of Social Insurance is "studying the organisation of a social insurance scheme which would be intended for agricultural workers and would be better adapted to the needs of this section of the population". It hopes that on this occasion no effort will be spared to extend the application of the sickness insurance scheme to the agricultural workers who are not as yet covered by it.

*Czechoslovakia* (ratification : 17.1.1929). See under Convention No. 24.

*Nicaragua* (ratification : 12.4.1934). 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 : 23.

Reports not received : 3.

(China, Spain, Venezuela.)



*Argentina* (ratification : 14.3.1950). The Committee would be grateful if the Government would supply in its next report information on the practical application of the Convention and, in particular, as required under Article 5 of the Convention, on the number of workers covered by the minimum wage fixing machinery.

*Australia* (ratification : 9.3.1931). In reply to the request made by the Committee in 1955, the Government has supplied information on the result of the inquiries carried out into minimum wages and on the number of workers to whom the minimum rates are applicable. The Committee has taken note of this information with interest.

*Belgium* (ratification : 11.8.1937). In 1955 the Committee had noted that, in the statistics given annually by the Government, the number of reports whose outcome was unknown at the time of writing the annual report was relatively high, and it had asked the Government to give in a later report the final outcome in respect of these reports. The Committee notes with satisfaction that the information requested has been supplied this year in a note attached to the report, and it expresses its thanks to the Government.

*Chile* (ratification : 31.5.1933). The Committee thanks the Government warmly for the very detailed and full information supplied for the period under review ; it has taken note with interest of the judicial decisions, copies of which were attached to the report.

*Colombia* (ratification : 20.6.1933). The Committee takes note with interest of the provisions of Decree No. 1156 of 26 April 1955 and Decree No. 2001 of 29 July 1955 concerning, respectively, the working of joint committees and the setting up of minimum wage boards in each province of the country.

The Committee hopes that the work of the Analytical Section of the Ministry of Labour, the establishment of which had been mentioned in the previous report, will enable the Government to supply in its next report the statistical information requested under Article 5 of the Convention.

*Cuba* (ratification : 24.2.1936). The Committee thanks the Government for the very detailed and full report communicated to the I.L.O. It has taken note with interest of the provisions of Decree No. 2692 of 11 August 1954, which confers on the Government certain powers with regard to the fixing of minimum wages.

*Czechoslovakia* (ratification : 12.6.1950). The Committee thanks the Government for the detailed information which it has supplied in response to the request for information made in 1955.

*Hungary* (ratification : 30.7.1932). In 1955 the Committee had asked the Government to indicate " 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), particu-

larly in handicrafts ". In its report the Government states that wage rates are fixed by the Council of Ministers at the joint proposal of the directorates supervising the different undertakings, the trade unions and the Central Council of Trade Unions. The report adds that in these circumstances there is no need to fix minimum wages. The Committee thanks the Government for its explanation, from which it appears that the Government considers that there is not in the territory of Hungary any trade or part of trade in which no arrangements exist for the effective regulation of wages and in which wages are exceptionally low.

*Italy* (ratification : 9.9.1930). The Government's report contains very detailed statistical data on the minimum wage rates fixed in the different parts of trade and on the number of workers covered by these wage rates. The Committee takes note of this information with interest.

*Mexico* (ratification : 12.5.1934). The Committee notes that, according to the information supplied in its report, the Government considers that it is not possible to supply information on the number of workers covered by the minimum wages fixed in conformity with the legislation, since, in many undertakings, workers in practice receive wages higher than the minimum rates. The Committee feels that it is necessary to draw the Government's attention to the fact that the statistical information which should be supplied by governments under Article 5 of the Convention does not relate to the number of workers who in fact receive the minimum wage rate fixed by legislation, but the total number of workers covered by the legislation or other provisions relating to minimum wage fixing machinery, whether or not these workers receive wages corresponding to the minimum rate or higher wages. The Committee hopes that, in these circumstances, the Government will be able to supply in its next report the information requested.

*Nicaragua* (ratification : 12.4.1934). The Committee would be grateful if the Government would be good enough to supply in its next report information regarding the application of the Convention and, in particular, regarding the number of wage boards which have been set up, the regions in which minimum wages have been fixed, and the number of workers covered by minimum wages legislation.

*United Kingdom* (ratification : 14.6.1929). The Committee takes note of the statement made by the Government that the two points mentioned in 1955 regarding (a) the revision of the Catering Wages Act, 1943 and (b) the reconstitution of the wage board to give protection to workers employed in unlicensed residential establishments, are now being examined.

*Uruguay* (ratification : 6.6.1933). The Committee thanks the Government for the detailed information supplied with regard to the new legislative provisions ensuring the application of the Convention, on the one hand, and regarding the number of infractions reported during the period under review, on the other hand.

The Committee would be glad if the Government would supply in its next report information on the number of workers covered by the minimum wage fixing machinery, as requested under Article 5 of the Convention.

*Convention No. 27: Markings of Weight (Packages Transported by Vessels), 1929.*

Number of reports requested : 36.

Number of reports received : 31.

Reports not received : 5.

(Indonesia, Rumania, Spain, Venezuela, Viet-Nam.)

*Argentina* (ratification : 14.3.1950). Since the Government's report does not contain any new information, the Committee can only repeat its previous observation concerning the non-existence in the national legislation of a specific provision indicating whether "the obligation for having the weight marked . . . shall fall on the consignor or on some other person or body" (Article 1, paragraph 4, of the Convention). Section 460 of the Commercial Code, to which reference was made not only in the Government's previous report but also in a statement submitted to the Conference Committee, does not give effect to this provision, since it does not relate to the marking of packages.

*China* (ratification : 24.6.1931). The Committee took note with interest of the Government's report, which refers to regulations giving effect to the provisions of the Convention. As the only regulations available to the Committee are those of 1933, as amended in 1936, it would be grateful if the Government would be good enough to include with its next report the text of the regulations at present in force.

*Federal Republic of Germany* (ratification : 5.7.1933). The Committee notes the Government's statement, in reply to the observations made in 1955, that it will re-examine, particularly from the technical point of view, the exceptions contained in section 2 of the Act of 28 June 1933 applying the Convention and will inform the Committee of its findings. The Committee looks forward with interest to learning the results of this examination.

*Hungary* (ratification : 6.12.1937). The Committee wishes to thank the Government for the information given in reply to the request made in 1955, on cases where use is made of the exemption provided for by section 2 of the Heavy Packages (Marking of Weight) Act (No. VII) of 5 May 1937, applying the Convention. The Government indicates that this exemption can only be made use of in cases where the weight of the transported objects is generally well-known by the specialised workers (for example, in the case of tractors, threshing machines, combined reaping and threshing machines, and trucks).

Since, however, the objects coming within the scope of section 2 of the above-mentioned Act, which exempts goods of known weight under certain conditions, may in fact vary considerably in weight from case to case, the Committee

would be glad if the Government could see its way to amend section 2 of the Act.

*Japan* (ratification : 16.3.1931). The Committee noted from the statement made by a Government representative to the Conference Committee, in reply to the observation of 1955, that under article 123 of the Ordinance on Labour Safety and Sanitation, 1947, read together with articles 42 and 45 of the Labour Standards Law, 1947, it is the "employer" who is required to mark a cargo weighing one ton or more. Since Article 1, paragraph 4, of the Convention requires the determination of the person responsible for such marking, the Committee would be glad if the Government would give in its next report a definition of the term "employer" as used in the above context.

*Nicaragua* (ratification : 12.4.1934). The Committee notes the statement in the report that the Convention is applied as a law of the Republic. In these circumstances the Committee would be glad if the Government would indicate in its next report how effect is given to Article 1, paragraph 4, of the Convention, which provides that "it shall be left to national laws or regulations to determine whether the obligation for having the weight marked . . . shall fall on the consignor or on some other person or body".

*Yugoslavia* (ratification : 22.4.1933). The Committee is glad to note that the resolution concerning the marking of the weight on heavy packages transported by vessels, dated 24 June 1955, gives full effect to the provisions of the Convention.

*Convention No. 28: Protection against Accidents (Dockers), 1929.*

Number of reports requested : 3.

Number of reports received : 3.

*Nicaragua* (ratification : 12.4.1934). The Committee takes note with interest of the information supplied in the report. However, in view of the detailed nature of the Convention, the Committee is not able to form an exact opinion of the extent to which effect is given to the provisions of the Convention by the national law and practice in Nicaragua.

Consequently, the Committee would be grateful if in its next report the Government would be good enough to supply detailed information on the application of each Article of the Convention.

*Convention No. 29: Forced Labour, 1930.*

Number of reports requested : 28.

Number of reports received : 22.

Reports not received : 6.

(Belgium, France, Indonesia, Spain, Venezuela, Viet-Nam.)

*Chile* (ratification : 31.5.1933). The Committee thanks the Government for the information supplied in its report, from which it appears that, in conformity with Article 25 of the Con-

vention, the illegal exaction of forced or compulsory labour is punishable as a penal offence.

*Cuba* (ratification : 20.7.1953). The Committee took note with interest of the first report supplied by the Government, which shows that the application of the Convention is ensured on the whole. It would be grateful if the Government would supply in its next report supplementary information on the following points :

(1) Section 88 of the Social Defence Code specified that labour is compulsory in the case of all persons condemned to privation of liberty ; the Committee understands that the condemnation in question refers only to conviction in a court of law, as provided for in Article 2, paragraph 2 (c) of the Convention. It would, however, be grateful if the Government would give its assurance on this point.

(2) What are the provisions of the national legislation under which the illegal exaction of forced labour is, in conformity with Article 25 of the Convention, punishable as a penal offence?

*Greece* (ratification : 13.6.1952). The Committee took note with interest of the statement made by the Government representative to the Conference, and confirmed in the report, that the provisions relating to the possibility of hiring the labour of convicts to private individuals would be repealed. The Committee would be grateful if the Government would keep it informed of any progress made with a view to abolishing the provisions in question.

The Committee also notes that, with regard to Article 25 of the Convention, which provides that the illegal exaction of forced labour shall be punishable as a penal offence, the Government representative to the Conference stated that " the idea of forced labour was inconceivable in Greece " but that should such a situation arise the provisions of the penal code could be applied.

*Liberia* (ratification : 1.5.1931). In response to the observations made by the Committee in 1955, a Government representative stated at the Conference Committee in the same year that he would see to it that the report of the Committee was brought to the attention of the competent authorities in these matters and that suitable action was taken in connection with the observations made by the Committee of Experts.

The Committee notes with regret that, apart from the paragraph which indicates that all road and other public works are now entrusted to construction companies supervised by the Department of Public Works and Utilities, this year's report merely reproduces the information given in the reports for 1953, 1954 and 1955.

The Committee feels obliged to draw attention once again to the following provisions of Liberian legislation which are not in conformity with the provisions of the Convention. The Committee wishes to point out that the texts in question are either cited by the Government itself or are extracts from the 1949 Revised Laws and Administrative Regulations for the Hinterland, which were forwarded by the Government as an appendix to its report in 1953.

(1) Article 10 of the Convention reads as follows :

1. Forced or compulsory labour exacted as a tax and forced or compulsory labour to which recourse is had for the execution of public works by chiefs who exercise administrative functions shall be progressively abolished.

2. Meanwhile, where forced or compulsory labour is exacted as a tax, and where recourse is had to forced or compulsory labour for the execution of public works by chiefs who exercise administrative functions, the authority concerned shall first satisfy itself—

- (a) that the work to be done or the service to be rendered is of important direct interest for the community called upon to do the work or render the service ;
- (b) that the work or the service is of present or imminent necessity ;
- (c) that the work or service will not lay too heavy a burden upon the present population, having regard to the labour available and its capacity to undertake the work ;
- (d) that the work or service will not entail the removal of the workers from their place of habitual residence ;
- (e) that the execution of the work or the rendering of the service will be directed in accordance with the exigencies of religion, social life and agriculture.

In this connection the Government refers to section 1416, paragraph 4, of the Revised Statutes of the Republic of Liberia, Volume II, as amended by the Act of 20 January 1932. This section lays down that road overseers shall keep the roads and streets of the township in good order, condition and repair, and to that end it shall be their duty, and they are authorised, to summon all male inhabitants of the township from the age of 16 to 60 years . . .

In 1954 the Government representative to the Conference stated that this section " should not have been mentioned in the Government's report, since it is now obsolete ". In 1955 the Committee requested the Government to specify whether section 1416 of the Revised Statutes had been specifically repealed. The Committee notes that the report for this year again quotes the provisions of section 1416. It therefore feels justified in presuming that it is still in force. In these circumstances, the Committee wishes to point out that the provisions in question do not appear to be in accordance with—

- (a) the provisions of Article 10, paragraph 1, of the Convention, which provide that forced or compulsory labour to which recourse is had for the execution of public works shall be " progressively abolished " ;
- (b) the provisions of Article 10, paragraph 2 (b), which provide that the work or service shall be " of present or imminent necessity " ;
- (c) the provisions of Article 11, paragraph 1, which provide 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 ".

Consequently the Committee must request the Government once again to be good enough to indicate clearly whether the relevant provisions of section 1416, paragraph 4, of the Revised Statutes are still in force and, if so, to state what measures it contemplates taking to abrogate them or at least to amend them in order to bring them into conformity with the provisions of Articles 10 and 11 of the Convention. As the Government states in its report for this year that all road and other public works are now entrusted to construction companies supervised by the Department of Public Works and Utilities, the Committee would be grateful if the Government would be good enough to indicate what methods are used to recruit manpower for these construction companies.

(2) Article 18 of the Convention reads as follows :

1. Forced or compulsory labour for the transport of persons or goods, such as the labour of porters or boatmen, shall be abolished within the shortest possible period. Meanwhile the competent authority shall promulgate regulations determining, *inter alia*, (a) that such labour shall only be employed for the purpose of facilitating the movement of officials of the administration, when on duty, or for the transport of government stores, or, in cases of very urgent necessity, the transport of persons other than officials, (b) that the workers so employed shall be medically certified to be physically fit, where medical examination is possible, and that where such medical examination is not practicable the person employing such workers shall be held responsible for ensuring that they are physically fit and not suffering from any infectious or contagious disease, (c) the maximum load which these workers may carry, (d) the maximum distance from their homes to which they may be taken, (e) the maximum number of days per month or other period for which they may be taken, including the days spent in returning to their homes, and (f) the persons entitled to demand this form of forced or compulsory labour and the extent to which they are entitled to demand it.

2. In fixing the maxima referred to under (c), (d) and (e) in the foregoing paragraph, the competent authority shall have regard to all relevant factors, including the physical development of the population from which the workers are recruited, the nature of the country through which they must travel and the climatic conditions.

3. The competent authority shall further provide that the normal daily journey of such workers shall not exceed a distance corresponding to an average working day of eight hours, it being understood that account shall be taken not only of the weight to be carried and the distance to be covered, but also of the nature of the road, the season and all other relevant factors, and that, where hours of journey in excess of the normal daily journey are exacted, they shall be remunerated at rates higher than the normal rates.

As regards this Article, the Government refers to section 35 of the Revised Administrative Laws and Regulations for the Hinterland, 1949. Paragraph (b) of this section reads as follows : "Any traveller requiring carriers shall apply to the Chief of Section for the desired number, which must be promptly supplied."

The Committee notes that these provisions are not in accordance with—

(a) the provisions of the first phrase of paragraph 1 of Article 18 of the Convention,

according to which portage shall be abolished "within the shortest possible period";

(b) the provisions of paragraph 1 (a) of Article 18, according to which portage shall only be employed for the transport of officials of the administration, when on duty, or "in cases of very urgent necessity for the transport of persons other than officials".

The Committee expresses the hope that the Government will be good enough to bring the provisions of section 35 of the Revised Administrative Laws and Regulations into conformity with those of Article 18 of the Convention, by limiting to cases of very urgent necessity the transport of persons other than officials.

(3) The Committee would also be grateful if the Government would be good enough to specify what are the laws and regulations which, in conformity with Article 18, paragraph 1 (d), of the Convention, fix "the maximum distances from their homes to which these workers may be taken". The Government referred in this connection to section 34 of the Revised Administrative Laws, but the Committee notes that this section only deals with work for the construction and maintenance of roads, bridges, etc.

(4) Article 25 of the Convention reads as follows :

The illegal exaction of forced or compulsory labour shall be punishable as a penal offence, and it shall be an obligation on any Member ratifying this Convention to ensure that the penalties imposed by law are really adequate and are strictly enforced.

In this connection the Government refers to section 64 of the Penal Code which reads as follows :

#### *Slave Trading.*

1. Any person who shall unlawfully, either by force, fraud or deceit, carry off another, and shall deliver such person into the custody or power of another who has no legal right to hold or detain such person, shall be deemed guilty of slave trading.

2. A person who shall hold or detain any person carried off and delivered into his custody or power, without legal right to so hold or detain him, shall be deemed guilty of slave trading.

3. Every violator of any of the foregoing provisions shall be fined in a sum not exceeding five hundred dollars or be imprisoned for a term not exceeding two years.

The Committee had noted that section 64 of the Penal Code appeared to be too limited in application to constitute an effective penalty in respect of the illegal exaction of all forms of forced labour, and in 1954 the Government representative at the Conference stated that this section "has been interpreted in such a way that penalties are provided in cases of forced labour". In 1955 the Committee requested the Government to be good enough to communicate any decisions by courts of law or other courts interpreting section 64 of the Penal Code in such a way that penalties are provided in case of forced labour. The Committee notes that the report for this year merely repeats the state-

ment that no decisions have been given by courts of law on questions of principle relating to the application of the Convention. The Committee therefore cannot but request the Government to indicate what measures it proposes taking to give effect to Article 25 of the Convention.

(5) The Committee had further noted that in its report the Government stated, as regards the application of Article 4 of the Convention, that it is under contractual obligations "to encourage, support and assist the effort of concessionaries under agreement with the Government, to secure and maintain an adequate supply of labour". This statement had led the Committee to ask the Government to be good enough to indicate the means by which it meets these contractual obligations. In its reply in 1954 the Government stated that it could quote "only one contractual agreement, concluded in 1926 with a company manufacturing rubber and pneumatics" and 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 chiefs". The Committee had taken note of this statement and requested the Government to be good enough to indicate when it intended to denounce the provisions of this agreement which, according to the statement made by the Government representative to the Conference, had "lost their *raison d'être*" but which constitute none the less a contravention of the provisions of Article 4 of the Convention, paragraph 1 of which provides that—

the competent authority shall not impose or permit the imposition of forced or compulsory labour for the benefit of private individuals, companies or associations.

(6) Finally, the Committee would be grateful if the Government would be good enough to state what measures it proposes taking to give effect to Article 12, paragraph 2, of the Convention, which provides 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.

In this connection the Government refers in its report to section 15 of the Revised Laws and Regulations, which reads as follows :

*District Census.* Pursuant to the Act of Legislature of 1946, relating to censuses, provinces, districts, Chiefdoms and Clan Officials of the various sections of the Interior shall give full collaboration in the accurate taking of a general census . . .

The Committee considers that this section is not sufficient to give effect to Article 12, paragraph 2, of the Convention and to make it possible to identify all workers from whom forced or compulsory labour is exacted.

On the basis of the information supplied for the first time in 1953 in a detailed manner, and with reference to its previous observations, the Committee regrets to note that there has been no change in the situation since 1932 and that it would appear—

(1) that the Government has not endeavoured since that date to abolish the use of forced or compulsory labour in all its forms, in conformity with Article 1, paragraph 1, of the Convention ;

(2) that the forms of forced labour which are provided for under the legislation in force are not subject to the restrictions and to the regulations provided for in the other Articles of the Convention.

The Committee is bound to express its profound regret at the situation thus existing in regard to this Member which, having ratified only this one Convention, has not been able to ensure its strict application more than 25 years after its ratification.

*Nicaragua* (ratification : 12.4.1934). The Committee would be grateful if the Government would indicate in its next report—

(1) whether, in conformity with Article 2, paragraph 2 (c), of the Convention any work exacted from any person as a consequence of a conviction in a court of law is carried out under the supervision and control of a public authority and whether the said person may not be hired to or placed at the disposal of private individuals, companies or associations ;

(2) whether, in conformity with Article 25 of the Convention, the illegal exaction of forced or compulsory labour is punishable as a penal offence.

*Sweden* (ratification : 22.12.1931). The Committee took note with interest of the information supplied in writing by the Government at the last session of the Conference, according to which, under section 6 of the Vagrancy Act of 1885, any person sentenced to forced labour by a decision of the competent administrative authority may appeal against the decision to the regional Court of Appeal concerned.

While it recognises that this provision constitutes a guarantee against arbitrary decision, the Committee cannot but draw the attention of the Government to the wording of the Convention, according to which forced labour may be exacted only from a person who has been convicted in a court of law.

*Convention No. 30: Hours of Work (Commerce and Offices), 1930.*

Number of reports requested : 13.

Number of reports received : 12.

Reports not received : 1.

(Spain.)

*Haiti* (ratification : 31.3.1952). The Committee notes that the information requested in the observation made in 1955 has not been supplied by the Government. The substance of this observation was as follows :

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) permanently, for certain categories of persons or establishments (Article 7, paragraph 1); and (d) temporarily 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).

The Committee would be glad if the Government would supply in its next report the information requested above.

*Israel* (ratification : 26.6.1951). The Committee notes with satisfaction that the regulations issued on 11 January 1955 provide for the posting of notices and keeping of records of additional hours as required under Article 11, paragraph 2, of the Convention.

*Nicaragua* (ratification : 12.4.1934). The Committee would be glad if the Government would indicate in its next report whether special regulations have been made under section 63 of the Labour Code, governing the weekly rest of salaried employees in railways or postal, telegraph and telephone services. It would also be grateful if the Government would supply full information on the use which may have been made of the provisions relating to the redistribution of working hours or to the overtime authorised under Articles 4, 5, 6 and 7 of the Convention, and particularly as regards the "special cases" in which daily hours of work may be increased in virtue of section 56 of the Code. Finally, the Committee would be glad to know how effect is given to Article 11, paragraph 2, of the Convention, regarding the effective enforcement of hours of work provisions.

*Norway* (ratification : 29.6.1953). The Committee expresses its thanks for the clear and detailed first report supplied by the Government on this Convention. It would be grateful, however, if the Government would indicate in its next report—

(1) whether the maximum number of additional hours of work which may be allowed in the *day* has been determined, as required under Article 7, paragraph 3, of the Convention and, if so, under what provision ;

(2) whether regulations have been issued under sections 18, 19 and 20 of the Workers' Protection Act, 1936, to determine the permanent and temporary exceptions which may be authorised in pursuance of Article 7 of the Convention ; or whether special permits are issued by the competent authority in each case ;

(3) in what cases overtime has been worked under section 19 (1) (d) of the Act, which authorises additional hours when this is " particularly necessary in the public or general

interest or for other reasons ". In this connection the Committee points out that the Convention makes no provision for such a general exemption and would be glad if the Government would indicate what steps will be taken to bring the legislation into conformity with the Convention in this respect.

*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). The Committee regrets to note that the report for the period 1954-55 contains no new information, in spite of the statement made by a Government representative to the Conference Committee in 1955 that the observations made by the Committee of Experts were accepted by the Government without any comment, as the Bill to amend the legislation was being prepared.

The Committee therefore hopes that the Government will supply information regarding this legislation and will give detailed information in its next report regarding the application of each Article of the Convention, in conformity with the form of report.

*Belgium* (ratification : 2.7.1952). The Committee thanks the Government for the detailed information which it has supplied in the report for the period 1954-55. It notes with interest that the three Draft Royal Orders appended to the report are such as to ensure the full application of the Convention and hopes that in its next report the Government will supply information on the action taken as regards this draft legislation.

*Mexico* (ratification : 12.5.1934). The Committee regrets to note that again this year the report repeats the information previously supplied. As there appears to be no specific legislation relating to the Convention and no measures appear to have been taken since the date of ratification to ensure its application, the Committee reiterates the observations which it has made in the past and requests the Government to be good enough to take the necessary measures to ensure conformity between the national legislation and the provisions of the Convention.

*New Zealand* (ratification : 29.3.1938). The Committee takes note with interest of the detailed information supplied in the report for the period 1954-55, regarding the new legislation which has been adopted as regards the subject matter of the Convention.

As regards Article 9, paragraph 2 (2) (b) of the Convention, which lays down that all hoisting machines (e.g. cranes, winches), blocks and shackles shall be examined thoroughly every 12 months, the regulations in force provide that such appliances shall be examined every 12 months and thoroughly examined at least once every four years. The Committee would be glad if the Government would be good enough to indicate in its next report what



measures it contemplates taking to ensure the full application of the above-mentioned Article of the Convention.

*Convention No. 33: Minimum Age (Non-Industrial Employment), 1932.*

Number of reports requested : 8.

Number of reports received : 6.

Reports not received : 2.

(Argentina, Spain.)

*Austria* (ratification : 26.2.1936). The Committee took note of the following statement made by the Government in writing to the Conference Committee in 1955, in response to the observations made in 1955: "It would be possible in theory to revise Act No. 146 of 1948, but the practical application of the relevant provision could not be supervised." Nevertheless the Committee hopes that the Government will be able to ensure this control and will take the necessary measures to bring the national law and practice into conformity with Article 3, paragraph 1, of the Convention, which provides for protective measures as regards light work performed by children of 12 years of age outside the hours fixed for school attendance.

*Convention No. 34: Fee-Charging Employment Agencies, 1933.*

Number of reports requested : 6.

Number of reports received : 5.

Reports not received : 1.

(Spain.)

*Czechoslovakia* (ratification : 12.6.1950). The Committee notes that the Government refers in its report to Ordinance No. 217-1936 as having abolished fee-charging employment agencies, but finds that this Ordinance provides only for the abolition of fee-charging employment agencies *conducted with a view to profit*. As no information is supplied concerning a fee-charging employment agency for musicians and artists which the Government's report for 1952-53 indicated had been set up under Act No. 69-1948, the Committee would be grateful if the Government would indicate on what legal basis fee-charging employment agencies *not conducted with a view to profit* operate, and, if they are not permitted to operate, what legislation prohibits such operation.

*Mexico* (ratification : 21.2.1938). The Committee would be grateful if the Government would be good enough to supply further information as to the present situation regarding employment agencies in Mexico; section 53 of the Regulations of 1935 for Employment Agencies authorises such agencies to function until the promulgation of the Social Insurance Act, 1942, but this Act does not contain any provision to prohibit or regulate private employment agencies. The Committee would like to know, therefore, if such agencies have been suppressed and if so under what legislative provisions. It would also like to know whether the regulations relating to employment agencies have been repealed.

*Convention No. 35: Old-Age Insurance (Industry, etc.), 1933.*

Number of reports requested : 8.

Number of reports received : 7.

Reports not received : 1.

(Peru.)

*Czechoslovakia* (ratification : 1.7.1949). The Committee notes with regret that the report contains no reply to the observations made in 1955 by the Conference Committee. The Committee therefore refers to those observations, which read as follows :

The Committee would be grateful if the Government would supply in its next report additional information on the contribution by the public authorities to the financial resources of the insurance scheme which is provided for in Article 9, paragraph 4, of the Convention.

The Committee also draws attention to the fact that the report contains new information indicating that the income and expenditures arising from pension insurance are a part of the state budget, whereas Article 10, paragraph 3, of the Convention provides that "the funds of insurance institutions and state insurance funds shall be administered separately from public funds".

Finally, the Committee would be grateful if the Government would supply in its next report, as requested by the Committee of Experts, statistical information on the application of the Convention, called for in the form of report.

*Poland* (ratification : 29.9.1948). The Committee thanks the Government for the information which it has supplied regarding the legislative texts which have been adopted recently as regards old-age, invalidity and survivors' insurance.

The Committee points out that article 3 of the Convention—which lays down that persons formerly compulsorily insured who have not attained the pensionable age shall be entitled either to continue their insurance voluntarily, or to maintain the rights which they have acquired, automatically or by the periodical payment of a fee—is not applied in the new Polish legislation. While noting from the report that this situation appears to be attributable to the fact that in Poland workers do not pay contributions, the Committee points out that the fact that persons who were formerly insured are not able to continue their insurance voluntarily or to maintain, by one means or the other, the rights which they have acquired, is in conflict with the provisions of the Convention and seriously limits the rights laid down in the Convention for insured persons. The Committee would be grateful, therefore, if the Government would take appropriate measures to give effect to Article 3 of the Convention.

The Committee also notes as regards the financial resources of the insurance scheme provided for in Article 9 of the Convention that under the national legislation the contributions to these resources are borne entirely by the employer.

In addition the Committee notes that the income and expenditure of insurance are included in the state budget, whereas Article 10, paragraph 3, of the Convention provides that assets of insurance institutions and funds shall be administered separately from the public funds.

Finally the Committee notes that again this year the Government's report contains no information regarding the practical application of the Convention. It therefore reiterates the hope which it has expressed in previous years—that in its future reports the Government will supply the information requested in the form of report and, in particular, will give statistical information regarding the scope of old-age insurance, the amount of benefits in cash and in kind, the resources of insurance and the manner in which they are allocated, etc.

*Convention No. 36: Old-Age Insurance (Agriculture), 1933.*

Number of reports requested : 7.

Number of reports received : 7.

*Czechoslovakia* (ratification : 1.7.1949). See under Convention No. 35.

*Poland* (ratification : 29.9.1948). See under Convention No. 35.

*Convention No. 37: Invalidity Insurance (Industry, etc.), 1933.*

Number of reports requested : 8.

Number of reports received : 7.

Reports not received : 1.

(*Peru.*)

*Czechoslovakia* (ratification : 1.7.1949). See under Convention No. 35.

*Poland* (ratification : 29.9.1948). As regards Articles 3, 10 and 11, paragraph 3, of the Convention, see the observations made under Convention No. 35, Articles 3, 9 and 10, paragraph 3.

See also under Convention No. 35 for the request for statistical information.

*Convention No. 38: Invalidity Insurance (Agriculture), 1933.*

Number of reports requested : 7.

Number of reports received : 7.

*Czechoslovakia* (ratification : 1.7.1949). See under Convention No. 35.

*Poland* (ratification : 29.9.1948). See under Convention No. 37.

*Convention No. 39: Survivors' Insurance (Industry, etc.), 1933.*

Number of reports requested : 6.

Number of reports received : 5.

Reports not received : 1.

(*Peru.*)

*Czechoslovakia* (ratification : 1.7.1949). See under Convention No. 35.

*Italy* (ratification : 22.10.1952). The Committee takes note with interest of the detailed information supplied by the Government to the Conference in reply to the request for further

information. This information, which is repeated in the annual report, shows that the suspension of the right to compensation occurs only in cases where the beneficiary of the allowance has been imprisoned for more than one year as a result of a conviction ; moreover, during this period the benefits are paid to the members of the worker's family or to his other dependants.

*Poland* (ratification : 29.9.1948). As regards Articles 3, 12 and 13, paragraph 3, of the Convention, see under Convention No. 35 as regards the observations made on Articles 3, 9 and 10, paragraph 3, of that Convention.

See also the request for statistical information made under Convention No. 35.

*Convention No. 40: Survivors' Insurance (Agriculture), 1933.*

Number of reports requested : 5.

Number of reports received : 5.

*Czechoslovakia* (ratification : 1.7.1949). See under Convention No. 35.

*Italy* (ratification : 22.10.1952). See under Convention No. 39.

*Poland* (ratification : 29.9.1948). See under Convention No. 39.

*Convention No. 41: Night Work (Women) (Revised), 1934.*

Number of reports requested : 12.

Number of reports received : 11.

Reports not received : 1.

(*Venezuela.*)

*Afghanistan* (ratification : 12.6.1939). See under Convention No. 4.

*Greece* (ratification : 30.5.1936). With reference to its previous observations as regards Articles 3 and 4 of the Convention, the Committee notes with interest that section 3, paragraph 3, of Legislative Decree No. 2511 of 1953 (which authorised the Minister of Labour in special cases to authorise exceptions to the legislative provisions respecting the employment of women at night) has been amended by Act No. 3239 of 25 May 1955 in order to ensure conformity with the Convention. Section 42, paragraph 4, of this new Act provides that the Minister of Labour, after consulting the occupational organisations concerned, may authorise the suspension of the prohibition of night work when, in case of serious emergency, the national interest demands this.

The Committee thanks the Government for the measures which it has taken with a view to eliminating the discrepancy in question. However, it points out that the exception allowed in the new Act is authorised under the Night Work (Women) Convention (Revised), 1948 (No. 89), which has not been ratified by Greece, but is not provided for by Convention No. 41. In these circumstances the Committee ventures to presume that the Government contemplates ratifying the revised Convention (No. 89) of



1948. This ratification would, *ipso jure*, involve the immediate denunciation of Convention No. 41. The Committee would be grateful, therefore, if the Government would be good enough to confirm its intentions as regards Convention No. 89.

*Hungary* (ratification: 18.12.1936). The Committee notes that the Government states in its report that, owing to the manpower shortage in various sectors of the national economy, it is not in a position to prohibit completely the employment of women at night, but that steps have been taken to ensure that the health of women is not prejudiced in any way by night work.

In view of the fact that the Government informed the Conference Committee in 1955 that the present situation was of a temporary nature and that this year's report states that the competent authorities are at present examining the possibility of giving full effect to the Convention, the Committee hopes that the Government will soon be able to ensure complete conformity between the national law and practice and the Convention, and it would be glad to be informed of the action taken in this respect.

*Iraq* (ratification: 28.3.1938). The Committee takes note with interest of the statement made by the Government representative to the Conference Committee in 1955, and reaffirmed in this year's report, according to which the provisions of the Convention relating to exceptions to the prohibition of the night work of women in cases of *force majeure* will be fully applied as soon as the necessary amendments have been made to the Labour Act.

The Committee would be grateful if the Government would be good enough to indicate what progress has been made in this respect.

*Peru* (ratification: 8.11.1945). See under Convention No. 4.

*Convention No. 42: Workmen's Compensation (Occupational Diseases) (Revised), 1934.*

Number of reports requested: 25.

Number of reports received: 24.

Reports not received: 1.

(*Argentina.*)

#### *General Observation*

The Committee notes that the legislation in the different countries appears to apply chiefly to industry and it would therefore be grateful if governments would indicate in their next reports to what extent the national legislation respecting compensation for industrial accidents and compensation for occupational diseases apply to agricultural workers.

*Belgium* (ratification: 3.8.1949). The Committee notes with interest that, according to the information supplied by the Government in its annual report, an order will shortly be issued to add to the list of diseases and toxic substances considered as occupational diseases giving rise

to compensation, poisoning by the *halogen* derivatives of the aliphatic series instead of *chlorinated* derivatives, as indicated in the Royal Decree of 1953.

The Committee would be grateful if the Government would indicate whether the order in question has been issued, thus ensuring full conformity between the provisions of the Convention and the national legislation.

*France* (ratification: 17.5.1948). The Committee would be grateful if the Government would be good enough to supply in its next report detailed information regarding the following discrepancies which seem to exist between the national legislation and the schedule of diseases, toxic substances and trades contained in the Convention:

(1) in the case of poisoning by phosphorus, only phosphorus necrosis caused by white phosphorus, and acute, chronic or recurring dermatitis caused by phosphorus sesquisulphide appear to be covered by compensation under the terms of French legislation, which does not seem to cover either all the compounds of phosphorus or all the forms of poisoning, as provided for in the Convention;

(2) as regards poisoning caused by the halogen derivatives of hydrocarbons of the aliphatic series, French legislation does not appear to provide compensation for poisoning by tetrachloroethane, carbon tetrachloride, di-, tri-, and tetrachlorethylene, and methyl bromide and chloride; these various products do not appear to cover all the halogen derivatives, as provided for in the Convention;

(3) as regards primary epitheliomatous cancer of the skin, French legislation appears to cover only epithelioma caused by petroleum pitch, whereas the Convention covers epitheliomatous cancer caused by any process involving the use of tar, pitch, bitumen, mineral oil, paraffin, or the compounds, products or residues of these substances.

As regards silicosis, the Committee is pleased to note the progress which has been made by the legislation, under which compensation is now paid to persons who suffer from temporary incapacity as the result of silicosis with complications and it hopes that, at an early date, compensation for temporary incapacity will be extended to cover all cases of silicosis.

*Hungary* (ratification: 17.6.1935). In 1955 the Government was asked to supply certain additional information, since it appeared, in the Committee's view, that the industries and occupations in respect of which anthrax infection is considered as an occupational disease in Hungary are defined by Decree No. 195-1951 in a manner which is more restrictive than that laid down in the Convention.

The Committee takes note with interest of the detailed information contained in the Government's report, but points out that the discrepancy in question still exists; in fact the above-mentioned decree only provides for compensation in respect of anthrax infection as an occupational disease in the case of a *regular* occupation in connection with infected ani-

mals, whereas the Convention provides in a general way that compensation should be provided for "workers in contact with animals infected with anthrax" and does not exclude persons occasionally employed in such work. In this respect the Government states, as regards persons employed on an irregular or occasional basis in work involving contact with infected animals or objects, that such persons may receive compensation if they contract anthrax infection, provided they prove that there is a direct connection between the work in question and the disease which they have contracted. The Committee wishes to point out that the specific object of the Convention is to obviate the necessity of providing such proof, which is particularly difficult to supply in the case of the occupations mentioned in the Convention.

The Committee also points out that the decree in question only considers anthrax infection as an occupational disease in the case of workers engaged in the "loading, unloading and transportation of infected goods", whereas the Convention also covers the loading, unloading and transportation of all goods, and not specifically "infected" goods, since it would be extremely difficult in these cases to produce proof.

The Committee would, therefore, be grateful if the Government would amend Decree No. 195-1951 as regards the two above-mentioned points, so as to bring the national legislation into complete conformity with the Convention, and would give information on the progress made in this connection in its next report.

*Mexico* (ratification : 20.5.1937). The Committee took note of the information which the Government has supplied in response to the observations made during previous years as regards the provisions of the legislation which provide for compensation for occupational diseases resulting from poisoning from phosphorus and its compounds. It notes that the report again states that these provisions derive from sections 286 and 326 of the Federal Labour Act. However, the Committee wishes to point out that the former of these two sections recognises the occupational origin of "pathological disorders, due to a reason which recurs during a long period of time", and cannot be considered to include all cases of poisoning by phosphorus and its compounds, the symptoms of which are often apparent at an early stage. On the other hand, section 326 of the Federal Labour Act appears to relate solely to poisoning by alkaline chromates and bichromates.

In addition, the Committee noted that the report supplied for the period 1954-55 also refers to the Industrial Hygiene Regulations, Annex 3 of which provides for a three-monthly medical examination for workers liable to contract poisoning from phosphorus and its compounds, among other substances. This provision does not appear specifically to provide for compensation for this type of poisoning and the Committee would, therefore, be grateful if the Government would be good enough to take measures which ensure compensation for this form of poisoning at a rate which is at least equal to that provided for industrial accidents, as laid down in the Convention (Article 1).

*Poland* (ratification : 29.9.1948). The Committee takes note with interest of the information supplied by the Government in its report as regards the new legislative texts which ensure the application of this Convention, namely the decree of 25 June 1954, respecting workers' pensions and the ordinance of 17 July 1954, which contains the list of diseases considered as occupational diseases, as well as the list of trades which may cause such diseases.

However, the Committee wishes to point out, as regards the schedule of diseases and toxic substances set out in Article 2 of the Convention, that the schedule appended to the ordinance of 17 July 1954 lists, under item No. 3, "poisoning by mercury and its compounds", whereas the Convention includes poisoning by mercury, its *amalgams* and its compounds, and under item No. 7 the ordinance includes "poisoning by the *chlorinated* derivatives of the hydrocarbons of the aliphatic series", whereas the Convention includes poisoning by the *halogen* derivatives of hydrocarbons of the aliphatic series.

The Committee would be grateful, therefore, if the Government would be good enough to supply, in its next report, information regarding these discrepancies and would state the measures it contemplates taking, if necessary, to ensure the complete application of the Convention.

*Sweden* (ratification : 24.2.1937). The Committee notes with interest that the annual report refers to new legislative texts adopted with regard to the subject matter of the Convention. It notes in particular that the new legislation (Act No. 243 of 14 May 1954) repeals the list and the tables of occupational diseases which may be assimilated to industrial accidents and provides instead for a system of full coverage. It would be grateful if the Government would supply in its next report detailed information on the new legislation and if it would indicate, in particular, by what means compensation is ensured in the case of diseases and poisonings produced by the substances set forth in the schedule appended to the Convention, when these diseases or poisonings are suffered by workers employed in the industries or trades covered by this schedule.

#### *Convention No. 43: Sheet-Glass Works, 1934.*

Number of reports requested : 8.

Number of reports received : 8.

*Czechoslovakia* (ratification : 19.9.1938). The Committee notes with much regret that the Government states that the introduction of the 42-hour week in glass works cannot be considered in view of the rapid economic growth and the shortage of manpower in the country. It points out that the requirement for a maximum working week of 42 hours in sheet-glass works is the fundamental provision of this Convention, and it therefore calls upon the Government to take the necessary steps to ensure the full application of the Convention at the earliest possible date.

*France* (ratification : 5.2.1938). See under Convention No. 49.

*Mexico* (ratification : 9.3.1938). The Committee notes that the Government states in its report that the glass industry is within the competence of the state and not the federal authorities, but that nevertheless the Government has recommended that the provisions of the Convention should be taken into consideration in collective agreements; the Government indicates also the manner in which the provisions of the Convention are applied through the collective agreements for the Monterrey glass works, the largest in the country.

In reply to observations made by the Committee in 1948 and 1950 a Government representative informed the Conference in 1950 that a special survey would be carried out of glass works other than those located at Monterrey and that the results of this survey would be communicated by the Government. This information has not so far been forwarded to the I.L.O., and the Committee would therefore be grateful if the Government would indicate in its next report how the provisions of the Convention are applied in the smaller glass works. In particular it would like to know how effect is given to the two non-self-executing provisions of the Convention, i.e. Article 3, paragraph 2, relating to compensation for additional hours worked, and Article 4, clause (c), relating to records of additional hours.

*Convention No. 44: Unemployment Provision, 1934.*

Number of reports requested : 8.

Number of reports received : 8.

*Czechoslovakia* (ratification : 12.6.1950). The Committee notes that the report for this year amplifies the information contained in last year's report and that the Government states that there is no unemployment in the country, as the agreement of the competent authorities is required before an employment can be terminated and that, consequently, the question of allowances or benefits to unemployed persons does not arise. The Government adds that certain allowances are, however, granted in cash and in kind to workers who cannot be placed in suitable employment by the executive bodies of the national committees and that this measure is applied in practice to workers whose working capacity is affected.

The Committee can only refer to the observation which it made in 1955, when it pointed out that these allowances cannot be considered as benefits or allowances within the meaning of the Convention. Furthermore, the absence at a given moment of unemployment in a country does not free the country from the obligation to maintain, in accordance with Article 1 of the Convention, a scheme ensuring benefits or allowances to persons who might be involuntarily unemployed. The Committee hopes, therefore, that the Government will be good enough to establish the system provided for in the Convention.

*Italy* (ratification : 22.10.1952). The Committee took note with satisfaction of the detailed information supplied by the Government to the Conference Committee in 1955, and reproduced

in this year's report, in response to the observations made in 1955. It notes that the exclusion from the provisions of the national legislation of a specified category of workers (artists, theatre and cinema employees) falls within the scope of clause (j) of Article 2 of the Convention.

The Committee also notes that section 15 of Act No. 1927 of 4 October 1935 contains provisions (fraudulent attempts to obtain unemployment benefits) regarding temporary disqualification from the receipt of benefit or of an allowance, which are in conformity with the provisions of paragraph 2 of Article 10 of the Convention.

*Convention No. 45: Underground Work (Women), 1935.*

Number of reports requested : 35.

Number of reports received : 31.

Reports not received : 4.

(*China, Indonesia, Venezuela, Viet-Nam.*)

*Afghanistan* (ratification : 14.5.1937). With reference to the observations made in previous years regarding the absence of legislative texts applying the Convention, the Committee notes that the Government proposes to incorporate the provisions of the Convention in the amendments to the Labour Act. It earnestly hopes that these amendments, which have been under consideration since 1950, will soon be introduced and would be glad to receive information about the progress made in this regard.

*Czechoslovakia* (ratification : 12.6.1950). The Committee wishes to thank the Government for the reply to the request for information made last year as regards the inspection services.

*Hungary* (ratification : 19.12.1938). The Committee takes note with interest of the information supplied to the Conference Committee and contained in the present report, in reply to the observations made in 1955 to the effect that due to the shortage of labour the Government is not yet in a position to prohibit underground work of women in mines which, according to a joint instruction of the Minister of Public Health and the Minister of Mines and Power was restricted to a minimum and limited to work which does not involve injury to the women's health. It takes due note of this information and also notes that the authorities are at present examining the possibility of fully applying the Convention.

The Committee therefore refers to the observations previously made and hopes that it will now be possible for the Government to take the necessary measures to establish at last full conformity between national law and the Convention, which was ratified 18 years ago.

*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 with satisfaction that, acting upon the suggestions submitted by it in 1955, the Director-General of the I.L.O. has addressed a letter to all Members which have ratified this Convention asking them whether their government favours the convening of the Commission provided for in Article 20, whose purpose will be to assist the Members in applying the Convention and to lay down rules for its application.

The Committee notes that only four Members have given a direct reply to this suggestion (Czechoslovakia, Hungary, Netherlands, Poland) and that all these Members feel that the need for establishing the Commission provided for in Article 20 of the Convention does not exist at present. On the other hand, the Committee notes that in its report on the application of the Convention the Italian Government approves the suggestion.

As the Committee has learned that the periodical report on the application of the Convention which the Governing Body of the International Labour Office must present to the Conference under Article 27 of the Convention is in preparation, and as on this occasion the Governing Body will have to decide as to the desirability of placing on the agenda of the Conference the question of the revision in whole or in part of the Convention, the Committee feels that all the Members would in this way have the opportunity to express their points of view.

*Czechoslovakia* (ratification : 12.6.1950). With reference to its previous observations the Committee takes note with satisfaction of the following information supplied in the report for this year :

(1) the provisions of the Convention are applied by Czechoslovakia to the nationals of States which have ratified the Convention, whether or not these States have concluded a bilateral agreement with Czechoslovakia ;

(2) the additional protocol to the Treaty of 5 April 1948 concluded between Czechoslovakia and Poland has resulted in bringing the provisions of section 14, paragraph 3, of this Treaty into conformity with Article 4 of the Convention ;

(3) the payment of pensions abroad is made in the same manner to both foreigners and Czechoslovak nationals ;

(4) the provision of the national legislation which denies the right to a pension to persons expelled from Czechoslovakia will not be applicable to nationals of States which have ratified the Convention.

The Committee also takes note of the Government's wish to make use of the provisions of Article 10, paragraph 3, of the Convention, which permits any Member "for a period of five years from the first coming into force of the Convention, to reserve the payment of any supplement to or fraction of a pension which is payable out of public funds to the nationals of Members with which it has concluded supple-

mentary agreements to that effect ". However, in view of the fact that the Convention *first* came into force on 10 August 1938 the Committee considers that paragraph 3 of Article 10 is no longer applicable at present. In any case this matter is of comparatively little importance. If from a practical point of view it is borne in mind that by 12 June 1956 six years will have elapsed since Czechoslovakia ratified the Convention, and the Committee hopes that the Government will state in its next report what measures it contemplates taking to give effect to Article 10 of the Convention.

The Committee would also be grateful if the Government would state in its next report whether the increase in pensions which was introduced as a result of the abolition of rationing is now applied to pensions paid abroad, not only to Czechoslovak nationals but also to nationals of States which have ratified the Convention.

The Committee wishes to thank the Government for the measures which it has taken with a view to eliminating the majority of discrepancies between the national legislation and the Convention, and to which its attention had been drawn. It trusts that the Government will wish to take the necessary action to bring the national legislation into complete agreement with the Convention.

*Hungary* (ratification : 10.8.1937). In 1955 the Committee pointed out that the Convention was not applied in Hungary and expressed the hope that the Government would take the measures necessary to give effect to the Convention.

The Committee notes that the report for 1954-55 again states that the competent Hungarian authorities are of the opinion that, by reason of its wording, it is not possible to apply the Convention and they would be willing to agree to the convening of the Commission provided for by Article 20 of the Convention.

The Committee is therefore obliged to state again, as it did in 1955, that the Convention is a self-executing instrument and consequently can be applied without any bilateral agreements being concluded between the Members who are bound by it.

The Commission provided for by Article 20 of the Convention is designed exclusively to assist the Members concerned as regards the methods for applying the Convention, by means of recommendations made at the request of one or more of the Members concerned. In addition, the Committee notes that although the Government stated in its report, received on 4 November 1955, that the convening of the Commission provided for by Article 20 of the Convention appeared to it to be desirable, in a subsequent letter of 15 December 1955, the Government stated that it did not consider the convening of this Commission to be necessary for the moment. In any case, until the recommendation has been made by the above-mentioned Commission any Member which is a party to the Convention is required to take the steps necessary to apply the letter and spirit of the Convention. The Committee again expresses the hope that at an early date the

Government will take the necessary measures to ensure the application of the Convention.

*Netherlands* (ratification : 6.10.1938). The Committee notes that the Bill designed to amend the Invalidity Act and in particular to repeal section 168 of this Act (which is not in conformity with Article 10 of the Convention) will be submitted to the States-General for approval as soon as the technical discussions which are now taking place have been completed. The Committee also takes note of the statement made by the Government that section 168 of the above-mentioned Act is no longer applicable to nationals of States which have ratified the Convention and that, under article 65 of the Netherlands Constitution, a ratified Convention has priority over the national legislation.

*Poland* (ratification : 21.3.38). The Committee notes that, in virtue of the decree of 25 June 1954 "respecting the general pensions scheme in favour of workers and their families", the payment of insurance benefits is subject to the completion of a period of employment within the territory of the Polish State. According to section 7, paragraph 4, of the above-mentioned decree, "the Minister of Labour and Social Welfare shall determine the periods of employment which shall be considered as periods of employment spent within the limits of the territory of the Polish State, the rules concerning the granting of benefits in relation to periods of employment spent abroad ...".

The Committee would be grateful if the Government would be good enough to state, in its next report—

(1) if periods of insurance spent under the legislation of another State which has ratified the Convention are assimilated to the period of employment required to be spent in Poland in order to ensure eligibility to insurance benefits (Articles 2 and 10 of the Convention);

(2) if this is not the case, what is done to ensure the maintenance of migrants' pension rates.

*Convention No. 49: Reduction of Hours of Work (Glass-Bottle Works), 1935.*

Number of reports requested : 7.

Number of reports received : 7.

*Czechoslovakia* (ratification : 19.9.1938). See under Convention No. 43.

*France* (ratification : 25.1.1938). The Committee takes note of the Government's statement, made in reply to the observation formulated in 1955, indicating that the principle of compensation for overtime is laid down in the agreement concluded between employers' and workers' organisations but that, at the wish of the signatories to the agreement, the actual amount of compensation is fixed individually within the framework of each undertaking.

The Committee would be glad if the Government would supplement the information available to the I.L.O. by attaching to its next

report a copy of the collective agreement concluded on 23 July 1954, as already requested in 1955.

*Mexico* (ratification : 21.2.1938). See under Convention No. 43.

*New Zealand* (ratification : 29.3.1938). The Committee notes that, under the agreements concluded in 1953, the average weekly hours in glass works are 42, that is the maximum hours of work fixed by the Convention. However, it has also been stated by the Government that overtime is paid at time-and-a-half for the first three hours and double time thereafter. The Committee points out that the cases in which hours in excess of 42 per week may be worked in glass-bottle works are limited by the Convention to those specified in Article 3 (accidents, urgent work to be done to machinery or plant, *force majeure*, etc.). Consequently, the Committee would be glad if the Government would indicate in its next report by what means the application of Article 3 is ensured, at least as regards any overtime in excess of the 42-hour limit fixed by the Convention and by the agreements concluded in 1953.

*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 : 15.

Number of reports received : 13.

Reports not received : 2.

(*Argentina, Viet-Nam.*)

*Cuba* (ratification : 20.7.1953). The Committee takes note with interest of the detailed first report supplied on the application of this Convention. It takes this opportunity of drawing the Government's attention to section X of Act No. 40 of 1935, which reads as follows: "If in the opinion of the Ministry of Labour the exigencies of the undertaking or business require this, the period of leave with pay may be postponed or reduced, subject to pecuniary compensation and provided that the right to leave may be carried forward to the next year". The Committee points out that the Convention does not authorise the postponement or reduction of holidays, even if compensation is given. It would therefore be glad if the Government would consider the possibility of ensuring full conformity between this Article of the Convention and the national legislation.

The Committee would also be grateful if the Government would include in its next report—

(1) information on the measures by which effect is given to Article 2, paragraph 3, of the Convention, which provides that public and customary holidays and interruptions of attend-

<sup>1</sup> See also Appendix II (relating to Non-Metropolitan Territories).

ance at work due to sickness shall not be reckoned as part of the holiday; and

(2) a specimen copy of the form of record requested in the report form under Article 7 of the Convention.

The Committee notes that no separate statistics are available with regard to holidays with pay but it would be glad to have any other information on the practical application of the Convention, as requested under Point V of the report form.

*Czechoslovakia* (ratification : 12.6.1950). The Committee takes note with interest of the detailed information supplied by the Government on the various points mentioned in the observation made in 1955. As regards Article 3 of the Convention, it notes that a worker on holiday is entitled to the cash equivalent of payments in kind but that this does not apply to lodging, lighting and heating. The Committee points out that these are normally included in the term remuneration in kind and would be glad if the Government would indicate in its next report what steps can be taken to ensure full conformity with this point of the Convention.

*Finland* (ratification : 23.8.1949). The Committee notes with satisfaction that the observations made by it in 1952, concerning the exclusion from holidays with pay of interruptions of attendance at work due to sickness (Article 2, paragraph 3 (b) of the Convention), the payment to persons on holiday of the cash equivalent of remuneration in kind which should normally include the cash equivalent of free lodging (Article 3) and the approval of the form of records kept by employers with regard to holidays with pay (Article 7), were to be taken into consideration in connection with the Bill revising the Annual Holidays with Pay Act. The Committee is also pleased to note that this Bill was to be tabled in the course of 1955 and it expresses the hope that following its approval by Parliament the national legislation and practice will be brought into full conformity with all the provisions of the Convention.

*France* (ratification : 23.8.1939). The Committee would be grateful if the Government would indicate in its next report whether interruptions of attendance at work due to sickness are excluded from the annual holidays with pay, as required under Article 2, paragraph 3 (b), of the Convention.

*Greece* (ratification : 13.6.1952). The Committee has examined with interest the information supplied by a Government representative to the Conference Committee in 1955, in reply to the observation formulated by the Committee of Experts. It is particularly pleased to note the statement that, if the Committee of Experts considered it necessary, the Government would have no objection to abolishing the provision of Act No. 539 of 1945 which relates to the possibility of suspending the granting of annual holidays (section 5, paragraph 3). Since the Committee feels that this provision constitutes an obstacle to the full application of the Con-

vention, it hopes that the Government will take the necessary steps for the modification of this provision of Act No. 539.

As regards the second point of the observation made in 1955, the Committee notes with interest that the "comparatively short period of sickness" which may be excluded from the reckoning of the annual holiday and which is referred to in section 2, paragraph 6, of Act No. 539, signifies periods of sickness of less than six months.

Finally, the Committee would be glad if the Government would indicate what steps are being considered to rectify the discrepancy already mentioned in last year's observation, in the following terms :

... 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 by the Government in reply to the observations previously made by the Committee. It notes with satisfaction that an amendment proposing the deletion of section 35 (a) (2) of the Annual Holidays Act, 1951, which excludes workers whose remuneration consists exclusively of a share in the profits, has been submitted to the Government; it hopes that it will be kept informed of any progress made in this connection.

The Committee also notes that the definition of the term "casual work" which, under section 35 (a) (3) of the Act, is excluded from its scope, has been established by judicial decisions; it would therefore be grateful if the Government would include in its next report extracts from these decisions showing how the term in question is defined.

Finally, the Committee is pleased to note that the regulations referred to under section 26 of the Act, relating to holiday registers, have been prepared and it would be grateful if the Government would attach the text of these regulations to its next report, if they have been published by then.

*Italy* (ratification : 22.10.1952). The Committee has examined with much attention the information supplied by the Government in reply to the observation made in 1955.

It notes in particular that the substantive provisions of the Convention are stated to be applied through collective agreements and it also notes the Government's statement that although, from the legal point of view, collective agreements were applicable only to members of the industrial associations concerned, in practice they are more widely applied. It nevertheless appears that there are cases in which workers are not legally entitled to holidays with pay.

Consequently, the Committee would be glad if the Government would supply particulars on the categories of undertakings and workers covered by collective agreements and the meas-



ures taken to make these agreements applicable to all the workers in the undertakings, commercial establishments, services, hotels, theatres, etc., listed in Article 1 of the Convention.

The Committee notes the Government's statement that all collective agreements contain clauses fixing the duration of holidays. It would be glad to know by what means the Government ensures that each agreement contains detailed provisions at least as favourable as those of the Convention (e.g. Article 2, paragraphs 1, 3 and 5, and Articles 4 and 6).

In general, the Committee feels that the provisions of this Convention are such that it is difficult to ensure their full application by means of collective agreements only. It would therefore be grateful if the Government would indicate whether it is considering the possibility of adopting basic legislation ensuring the application of the substantive minimum requirements of the Convention, it being understood that the legislation could be supplemented by collective agreements.

*Mexico* (ratification : 9.3.1938). The Committee recalls the statements made by the Government on several occasions and particularly in 1952 to the effect that, in virtue of article 133 of the Constitution, a ratified Convention which has been duly promulgated and published has force of law and abrogates all contrary provisions. However, the Committee notes that the Government continues to quote in its annual reports a number of legislative provisions adopted prior to the ratification of the Convention and less favourable than the terms of the Convention (e.g. the report quotes section 82 of the Labour Act which provides for a four-day holiday, whilst the Convention provides for an annual holiday of at least six days).

Consequently, the Committee would be glad if the Government would indicate in its next report exactly what provisions are in force with regard to the various clauses of the Convention. It would also be glad if the Government would supply more detailed information on the manner in which effect is given to the non-self-executing provisions of the Convention, such as Article 2, paragraph 5, which provides that the national laws or regulations shall prescribe the conditions for the increase in holidays with the length of service, Article 3, which provides that the national laws or regulations shall prescribe the manner in which remuneration, including the cash equivalent of remuneration in kind, should be calculated in cases where it is not determined by collective agreements, and Article 7, which provides that the competent authority must approve the form of the records to be kept by employers.

The Committee notes that a decision given by the Supreme Court in 1936, mentioned for the first time in the report for 1954-55, provides that a worker employed during his holidays is entitled to double wages.

The Committee points out that no exception to the principle of annual holidays is permitted under the Convention, even if double wages are paid and, moreover, that Article 4 provides specifically that any agreement to relinquish the right to holidays shall

be void. The Committee would therefore be glad if the Government would take steps to ensure full conformity between the national practice and the principle of the Convention.

*Yugoslavia* (ratification : 26.3.1953). The Committee takes note with much interest of the detailed first report supplied on the application of this Convention in Yugoslavia. It notes, however, that under section 5 of the decree of 4 July 1946 respecting annual holidays with pay for wage-earning employees, salaried employees and officials, as amended, the granting of holidays may be suspended by the Minister of Labour in certain industries or undertakings in the event of urgent public necessity, and by the heads of undertakings, after consulting the trade union organisations in the case of persons whose absence might adversely affect the regular working of the undertaking. The Committee points out that no exception to the principle of annual holidays is authorised under the Convention, even if cash compensation is given to the worker concerned and, moreover, that Article 4 of the Convention provides specifically that any agreement to relinquish the right to holiday shall be void. The Committee would therefore be glad if the Government would take the necessary steps to ensure the modification of these provisions of the national legislation.

The Committee also notes that, in virtue of section 5 of the above-mentioned decree, any person who is prevented from taking his holiday through the fault or negligence of the head of the undertaking is entitled to a cash allowance equal to the wages for a period corresponding to the annual holiday. The Committee feels that the spirit and the letter of the Convention would be better applied if in such cases the worker was made entitled to the overdue holiday rather than to cash compensation. It would, therefore, be glad if the Government would consider the possibility of modifying the system.

Finally, the Committee would be glad if the Government would indicate in its next report whether workers on holiday are entitled to the cash equivalent of any remuneration normally paid in kind, as specified under Article 3 of the Convention, and if it would supply information on the practical application of the Convention, as requested under Point V of the report form.

*Convention No. 53: Officers' Competency Certificates, 1936.*

Number of reports requested : 12.

Number of reports received : 12.

*Egypt* (ratification : 20.5.1939). The Committee takes note with interest of the information regarding the practical application of the Convention which is supplied in the report for the period 1954-55. It also notes that, as regards employment on vessels engaged in maritime navigation, there has been a decrease in the number of engineers employed without the required competency certificates, and hopes that the present shortage of the category of personnel

will disappear rapidly and that the complete application of the Convention will thus become possible.

*Italy* (ratification : 22.10.1952). The Committee took note with satisfaction of the information supplied by the Government to the Conference Committee in 1955, and reproduced in this year's report, to the effect that the national legislation gives effect to Article 5 of the Convention, which provides for an efficient system of inspection.

*Mexico* (ratification : 1.9.1939). The Committee has taken careful note of the information supplied by the Government as regards the observations which it has made in previous years and would be grateful if the Government would be good enough to supply in its next report information regarding Article 5 of the Convention, which lays down in paragraph 2 that "National laws or regulations shall provide for the cases in which the authorities of a Member may detain vessels registered in its territory on account of a breach of the provisions of this Convention".

*Convention No. 55: Shipowners' Liability (Sick and Injured Seamen), 1936.*

Number of reports requested : 6.

Number of reports received : 6.

*France* (ratification : 19.6.1947). With reference to the request which it made in 1955 (decisions reached by the *Cour de Cassation* and the *Conseil d'Etat* and possible amendments to the Seamen's Code concerning accidents to seamen which occurred while the seamen were on leave), the Committee notes that no decisions have been reached as yet. It would be glad to have information in this respect in the next report.

*Italy* (ratification : 22.10.1952). The Committee took note with interest of the information supplied by the Government to the Conference Committee in 1955, and reproduced in this year's report, regarding the application of the national legislation to foreign seamen. The Committee notes that the Government is preparing a Bill to amend the relevant legislation so that, in conformity with Articles 6 and 11 of the Convention, repatriation expenses shall be paid to sick or injured seamen who are landed during the voyage, irrespective of their nationality. The Committee hopes that the above-mentioned legislation will come into force at an early date, so as to ensure complete conformity between the national legislation and the provisions of the Convention.

*Mexico* (ratification : 15.9.1939). The Committee took note of the information given in the report as regards Articles 8 and 9 of the Convention. However, the Committee has noted that the national provisions giving effect to Article 8 of the Convention (measures to safeguard property left on board by sick, injured or deceased persons) appear to be applicable only to vessels engaged in the coasting trade, whereas the Convention requires such measures to be taken as regards vessels of all

types. The Committee would be glad therefore if the Government would be good enough to supply fuller information on this point.

*Convention No. 56: Sickness Insurance (Sea), 1936.*

Number of reports requested : 4.

Number of reports received : 4.

No observations.

*Convention No. 58: Minimum Age (Sea) (Revised), 1936.*

Number of reports requested : 14.

Number of reports received : 14.

*Belgium* (ratification : 11.4.1938). The Committee notes with interest that the Bill to amend the Act of 5 June 1928, so as to fix at 15 years the minimum age for admission to employment at sea, was to be brought before Parliament at the beginning of 1956.

The Committee would be grateful if the Government would be good enough to indicate whether this Bill has been enacted.

*Cuba* (ratification : 20.7.1953). The Committee takes note with interest of the information supplied by the Government in its first report. It notes that, in conformity with section 18 of Legislative Decree No. 883 of 1953, the employment of all children under 14 years of age is prohibited in occupations of all kinds, and that there are no exceptions whatever to this provision. However, Article 2 of the Convention lays down that "children under the age of 15 years shall not be employed or work on vessels...", and only authorises the employment of children between 14 and 15 years of age in cases in which "an educational or other appropriate authority designated by national laws or regulations is satisfied, after having due 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 Committee therefore hopes that the Government will soon be able to take the necessary steps to apply this Article of the Convention and would be glad to receive fuller information in this respect in the next report.

The Committee would also be grateful if the Government would be good enough to supply a copy of the model register or of the articles of agreement, provided for in Article 4 of the Convention, which every shipmaster or owner is required to keep, together with a list of all persons under 16 years of age employed on board, and of their dates of birth.

*Convention No. 59: Minimum Age (Industry) (Revised), 1937.*

Number of reports requested : 4.

Number of reports received : 4.

*China* (ratification : 21.2.1940). The Committee takes note, with interest, of the information contained in the report. It would be grateful to receive information in the next



report as regards the definition of the term "young workers" to which section 5 of the Mines Act applies, i.e. up to what age employment is prohibited under this section. In addition, the Committee would be glad to know whether the existing provisions prescribe the keeping of a register for young persons employed in factories and mines as required under Article 8, paragraph 4, of the Convention.

*Italy* (ratification : 22.10.1952). The Committee notes with interest the information furnished by the Government to the Conference Committee and in its annual report, in reply to the observations made by the Committee in 1955. It appears that a Bill containing provisions which raise to 15 years the minimum age for the admission of children to employment has been submitted to the Council of Ministers for examination and is at present being studied.

The Committee hopes that the aforementioned Bill will ensure that the legislation is in full conformity with the provisions of the Convention and that it will be adopted in the near future.

*New Zealand* (ratification : 8.7.1947). The Committee takes note of the information supplied by the Government representative before the Conference Committee of 1955 to the effect that no child under 15 years of age could be employed without a special authorisation from the labour authority and that, moreover, no such authorisation was issued during the preceding year. It takes note also of the information supplied by the Government in its annual report, to the effect that the Committee will be advised when it proves opportune to introduce a legislative text in conformity with the Convention. The Committee points out that it is necessarily opportune to bring the legislation into harmony with ratified Conventions and it hopes that such legislation will soon be in force.

*Convention No. 60: Minimum Age (Non-Industrial Employment) (Revised), 1937.*

Number of reports requested : 3.

Number of reports received : 3.

*Italy* (ratification : 22.10.1952).

See under Convention No. 59.

*New Zealand* (ratification : 8.7.1947).

See under Convention No. 59.

*Convention No. 62: Safety Provisions (Building), 1937.*

Number of reports requested : 8.

Number of reports received : 8.

*Belgium* (ratification : 3.10.1951). The Committee notes with interest, as regards the application of Article 13 of the Convention, that a draft order concerning operators of cranes and other hoisting appliances has been submitted to the competent authorities and that the question of prescribing the minimum age of these operators is still under consideration. The Committee hopes that the Government's next report

will contain information on the progress made in this respect.

*Finland* (ratification : 8.4.1947). The Committee noted that the draft Bill for the revision of the Industrial Safety Act as well as the regulations concerning scaffolds and hoisting machinery, are still in preparation. The Committee ventures to recall in this connection the provisions of the Convention concerning which discrepancies had been noted since 1949 and which the Government will no doubt wish to take into consideration in the course of this revision :

Article 7, paragraph 1 (provision of suitable scaffolds); Article 7, paragraph 7 (periodic inspection of scaffolds); Article 12, paragraph 1 (periodic re-examination of hoisting machinery and tackle); Article 14, paragraph 1 (determination of the safe working load in the case of hoisting appliances); Article 15, paragraph 3 (precautions to reduce the risk of accidental displacement of a suspended load); Article 17 (provision of equipment for prompt rescue in the case of work involving risk of drowning).

The Committee would be grateful if the Government would be good enough to indicate whether the above-mentioned legislative revision has now taken place and whether it has been possible to eliminate these discrepancies.

*France* (ratification : 16.12.1950). The Committee notes the statement in the report that the revision of the decree of 9 August 1925 can only be undertaken after examination by various committees. As the Committee had pointed out certain discrepancies in 1953 and 1954, it hopes that progress has been made in revising this decree and ventures to recall that the discrepancies in question relate to the following points :

Article 7, paragraphs 1, 2, 3 (c) and 5 to 8 (use of scaffolds); Article 8, paragraph 1 (a) and (b) (construction of platforms, gangways and stairways); Article 9, paragraph 2 (safety precautions for persons working on a roof); Article 10, paragraphs 1 and 5 (safe means of access to working platforms and stacking of materials); Article 13, paragraph 2 (control of hoisting machinery); Article 16, paragraph 1 (personal safety equipment).

*Poland* (ratification : 17.4.1950). With reference to the requests for information which it had made at its previous sessions the Committee notes that in cases where workers use tip trucks or handcarts, section 46 of the order of 1 April 1953 describes the width of the working platforms and gangways as laid down in Article 8, paragraph 2 (b) of the Convention.

The Committee would be glad if information could be supplied on the progress made in the preparation of the regulations, mentioned in the Government's report for 1951-52, which are designed in particular to give effect to Article 8, paragraph 2 (b) as regards cases other than those mentioned above as well as to Article 14, paragraph 3 (indication of the working load of a hoisting machine) and to Article 17 (rescue equipment in case of drowning) of the Convention.

*Convention No. 63: 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 was glad to note from the Government's reply in the Conference Committee to the observation made in 1955, as well as from the very full report, that statistics of time rates of wages and of standard hours of work covering the building and construction industry continue to be compiled.

*Ceylon* (ratification : 25.8.1952). The Committee wishes to thank the Government for the information supplied in answer to the observation made in 1955. This information clarifies the definition of earnings and indicates that average earnings, average hours of work, time rates of pay, and normal hours of work are to be compiled for mining (Articles 5 and 13 of the Convention), that index numbers of the general movement of average earnings and of time rates of pay are to be compiled (Articles 12 and 21), that action is proposed to be taken to collect statistics of average earnings by sex and separately for adults and juveniles (Article 10, paragraph 2), and that the statistics of time rates of pay conform with the provisions of Article 17.

The Committee would be glad if the Government would indicate in its next report the progress achieved in compiling and publishing—

(1) statistics of average earnings, average hours of work, time rates of pay, and normal hours of work for mining (plumbago mining) (Articles 5 and 13);

(2) index numbers of the general movement of time rates of pay and of average earnings (Articles 12 and 21);

(3) statistics of average earnings by sex, and separately for adults and juveniles (Article 10, paragraph 2).

*Czechoslovakia* (ratification : 12.6.1950). The Committee wishes to thank the Government for supplying, in response to the observation made in 1955, information in respect of certain Articles of the Convention. It notes with interest that statistics of average earnings and average hours of work in industry and agriculture are compiled in accordance with the provisions of Parts II and IV of the Convention but that statistics of time rates of wages and normal hours of work (Part III of the Convention) are not compiled.

The Committee ventures to draw special attention, as it did already in the above-mentioned observation, to Article 1, clauses (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, as well as to communicate them to the International Labour Office at the earliest possible date.

The Committee notes that the information so far transmitted to the I.L.O. consists of index numbers compiled in accordance with Article 12 of the Convention, that the statistics of average earnings and of average hours of work provided

for in Articles 5 to 10 and 22 of the Convention have neither been published nor communicated to the I.L.O. and that, in addition, statistics of time rates of wages and normal hours of work (Articles 13 to 21) are not compiled.

The Committee expresses the sincere hope that the Government will be in a position at an early date to comply fully with these various provisions of the Convention.

*Denmark* (ratification : 22.6.1939). The Committee noted with interest that statistics of hours actually worked, compiled in accordance with Article 5, paragraph 3, of the Convention, were published in the Statistical Yearbook for 1954.

*Egypt* (ratification : 5.10.1940). The Committee takes note with interest of the revised system of collecting statistics of average earnings and average hours of work, developed by the Government. Since a triennial general census of workers forms part of the new system, the Committee ventures to suggest that this census might provide an opportunity to supplement the statistics of average earnings and of hours actually worked by separate figures for each sex and for adults and juveniles once every three years, in conformity with Article 10, paragraph 2, of the Convention. The Committee would be grateful if the Government would indicate in its next report whether any progress has been made in developing such triennial statistics separately for workers of each sex and for adults and juveniles.

With reference to its observation of 1955 concerning index numbers showing the general movement of wages, the Committee notes from the report that the idea of compiling such index numbers has been dropped for the time being. The Committee ventures to point out that the compilation of such index numbers is called for in Article 12 of the Convention, and expresses the hope that the Government will find it possible to give effect to this provision at an early date.

*Finland* (ratification : 8.4.1947). The Committee ventures to refer to the Government's statement in 1951 that statistics of average hourly earnings in the building industry, which it had not as yet been possible to draw up, were being prepared. Since subsequent reports have not contained any reference to these statistics, the Committee would be glad if the Government would indicate in its next report whether these data are in fact being compiled as required under Article 5, paragraph 1, of the Convention.

*France* (ratification : 28.6.1951). The Committee notes with interest from the reply to its observation of 1955 that the Government intends to encourage the extension to other industries of the occupational wage rate inquiry currently undertaken in the metallurgical industries. Such an extension to the main occupations in industry will ensure compliance with Article 15, paragraph 1, of the Convention and the Committee would appreciate being kept informed in future reports.

*Mexico* (ratification : 16.7.1942). The Committee wishes to thank the Government for

supplying, in reply to the observation made in 1955, statistics of average earnings, hours actually worked, and time rates of wages collected for the principal manufacturing industries as provided for in Articles 5 and 13 of the Convention.

The Committee notes, however, that the following statistics required by the Convention are not compiled as yet :

(1) statistics of average earnings and of hours actually worked in mining, building and construction (Article 5, paragraph 1);

(2) index numbers showing the general movement of earnings (Article 12, paragraph 1);

(3) statistics of normal hours of work; and statistics of time rates of wages in mining and construction (Article 13);

(4) annual index numbers showing the general movement of rates of wages (Article 21, paragraph 1);

(5) statistics of wages in agriculture (Article 22).

As regards the statistics required under Article 22 of the Convention, the Committee notes with interest that the Ministry of Labour is taking the necessary steps, in collaboration with the Ministry of Agriculture, to overcome the difficulties which have so far prevented the collection of data concerning agricultural workers.

The Committee would be glad if the Government would indicate what progress has been made towards compiling and publishing the various kinds of data enumerated above.

*Norway* (ratification : 29.3.1940). The Committee notes from the Government's reply to the observation made in 1955 that there exist as yet no concrete plans for implementing Article 10, paragraph 1, of the Convention, which provides for the yearly compilation of data on hours of work in individual manufacturing industries, but that the question will be discussed in the near future with a view to complying with the above-mentioned provision. The Committee hopes that the Government will indicate in its next report the progress achieved in this respect as well as in the compilation of statistics of actual hours of work which, according to the Government's report for the preceding period, were to be prepared on the basis of the 1955 wage survey.

*Sweden* (ratification : 21.6.1939). The Committee recalls its observations in 1950, 1952 and 1953 concerning the absence of statistics of hours of work in the building and construction industries. The Government had indicated at the time that the question of compiling these data was to be referred to the joint consideration of the Social Welfare Board, the Swedish Employers' Confederation and the Swedish Confederation of Trade Unions.

In view of the time which has since elapsed, the Committee would be glad if the Government would indicate whether these joint discussions have taken place and when statistics of hours of work in the building and construction industries will be compiled, as provided for in Article 5, paragraph 1, of the Convention.

*Union of South Africa* (ratification : 8.8.1939). The Committee notes the statement, in reply to the observation made in 1955, that due to various circumstances the revision of the wage rate index has not yet been completed and that it is not possible at this stage to indicate when this will be done. As the Government's reports have referred to this revision since 1944 and as the compilation and publication of a wage rate index are required under Articles 21 and 1 (b) of the Convention, the Committee urges the Government to give effect at an early date to these important provisions of the Convention.

*Convention No. 64: Contracts of Employment (Indigenous Workers), 1939.*

Number of reports 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 : 11.

Number of reports received : 11.

*Belgium* (ratification : 5.12.1951). With reference to the observation it made in 1955 the Committee notes from the statement of the Government representative to the Conference Committee and from this year's report that legislation to give effect to the provisions of the Convention is shortly to be submitted to Parliament. It hopes that it will be possible for the Government to have the necessary legislation adopted at an early date and it would be glad to have information on the progress made in this direction.

*Italy* (ratification : 22.10.1952). The Committee thanks the Government for the reply to the observations it made in 1955 concerning the holding of examinations and the granting of certificates of qualification, as provided for in Article 4 of the Convention. It notes that the draft legislation examined last year has already been adopted through Act No. 727 of 4 August 1955, and that in accordance with section 2 of that Act the holding of examinations and granting of certificates is a matter for statutory regulations. During the preparation of these regulations the shipowners' and seafarers' organisations have drawn attention to certain difficulties.

The Committee shares the hope expressed in the report that the Commission set up to draft those statutory regulations will conclude its task in the shortest possible time so as to ensure

<sup>1</sup> See also Appendix II (relating to Non-Metropolitan Territories).

full application of the Convention, and would be glad to learn of the progress made in this direction.

*Norway* (ratification : 6.3.1952). The Committee wishes to thank the Government for the reply to the request for information made last year in connection with the classes of vessels which are to be regarded as sea-going vessels.

*Poland* (ratification : 13.4.1954). The Committee notes from the first report supplied by the Government that no legislative provision appears to exist applying the Convention. It would be grateful if the Government would be good enough to indicate in its next report the measures it intends to take to ensure the application of the Convention.

*Portugal* (ratification : 13.6.1952). The Committee refers to the observations which it made in 1955 on certain provisions of Articles 1 and 4 of the Convention. It takes note with interest of the statement made by the Government representative to the Conference Committee that the relevant national legislation applies to all sea-going vessels, as provided for in Article 1 of the Convention. It further notes from the report for the period under review that due account will be taken in the legislation under preparation of the provisions of Article 4 of the Convention concerning the prescribed periods of service at sea and the nature of examinations.

The Committee would, therefore, be grateful if the Government would be good enough to supply information concerning the progress made in this direction.

*Convention No. 74: Certification of Able Seamen, 1946.*

Number of reports requested : 7.

Number of reports received : 7.

*Belgium* (ratification : 5.12.1951). The Committee notes with interest that legislation to give effect to the provisions of the Convention is to be submitted to Parliament at an early date, and hopes that the Government will be good enough to supply information regarding the action taken in this respect.

*Portugal* (ratification : 13.6.1952). The Committee notes that national legislation is being prepared which corresponds to all the provisions of the Convention. The Committee hopes that this legislation will be promulgated at an early date.

*Convention No. 77: Medical Examination of Young Persons (Industry), 1946.*

Number of reports requested : 7.

Number of reports received : 6.

Reports not received : 1.

(Guatemala.)

*France* (ratification : 28.6.1951). With reference to the request which it made in 1955 the Committee thanks the Government for forwarding with its report the text of Act No. 55-292 of 15 March 1955, extending to transport under-

takings the provisions of the Act of 1946 respecting industrial medical services. It also takes note of the statement made by the Government representative to the Conference Committee in 1955, and of the information contained in the last report, according to which the Bill which is designed to extend industrial health legislation to mines will be adopted shortly and in fact the medical examination of young persons is already being carried out in mines.

The Committee would be grateful if the Government would be good enough to supply in its next report information regarding the progress made towards extending the legislation in force to mines, quarries and other occupations for the extraction of minerals from the earth, dealt with in Article 1, paragraph 2 (a) of the Convention.

*Iraq* (ratification : 13.1.1951). The Committee notes from the statement made by the Government representative to the Conference Committee in 1955 that a Bill has been drafted to make compulsory the periodical medical examination in both public and private sectors, and expresses the hope that this draft legislation will soon be adopted.

However the Committee regrets to note that no reply is given in this year's report to the detailed observations it has made in 1954 and 1955 on Articles 1, 6 and 7 of the Convention and it hopes that the Government will take the necessary steps, at an early date, to ensure full conformity between national legislation and these Articles of the Convention.

*Israel* (ratification : 23.12.1953). The Committee wishes to thank the Government for the detailed information supplied in its first report on the application of this Convention. With regard to Article 4 of the Convention—which until at least the age of 21 years requires medical examination and re-examination in occupations involving high health risks—the Committee notes from the report that the regulations to determine these occupations have not as yet been drawn up. The Committee trusts that it will be possible for the Government to adopt these regulations at an early date and would be grateful if the Government would indicate in its next report the progress achieved in this connection.

The Committee also notes that appropriate measures do not appear to have been taken by the competent authorities, as provided by Article 6 of the Convention, for 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. The Committee would also be grateful if the Government would be good enough to indicate the measures it intends to take in this connection.

*Italy* (ratification : 22.10.1952). The Committee takes note with interest of the information supplied by the Government to the Conference Committee in 1955, as well as that contained in the last report, according to which the Government will take into account the

observations made by the Committee in 1955, in the studies which are being undertaken with a view to amending the relevant national legislation so as to ensure the complete application of the Convention.

The Committee also thanks the Government for the new information contained in the report, to the effect that as regards certain occupations which involve health risks, the Ministerial Decree of 22 March 1929 prescribes periodical medical examinations for all workers, irrespective of their age.

The Committee expresses the hope that at an early date the Government will adopt the necessary legislative measures which will ensure the strict application of the Convention.

*Convention No. 78: Medical Examination of Young Persons (Non-Industrial Occupations), 1946.*

Number of reports requested : 6.

Number of reports received : 5.

Reports not received : 1.

(Guatemala.)

*France* (ratification : 28.6.1951). The Committee noted with interest that, in response to the observations which it made in 1955, the Government states in its report that Act No. 55-1032 of 4 August 1954 has made applicable to public hospitals the legislation relating to industrial health. However, the Committee notes that certain discrepancies which it pointed out in 1954 and 1955 still seem to exist : the scope of the national legislation appears to be narrower than that of the Convention, in that the latter covers generally children and young persons "employed for wages or working directly or indirectly for gain, in non-industrial undertakings" (Article 1, paragraph 1), whereas the national legislation only applies to wage earners and even excludes among such employees persons employed in domestic service and in certain other work in hotels, restaurants, private hospitals, etc.

The Committee also notes, from the statement made by the Government representative to the Conference Committee in 1955 as regards the application of Article 7, paragraph 2 (a), of the Convention, relating to measures of identification, that records are required to be kept of all wage earners. However, this measure does not appear to be applicable to the case envisaged by this Article of the Convention, which deals with measures of identification concerning "children and 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 in places to which the public have access".

The Committee again expresses the hope that the Government will be good enough to contemplate taking appropriate measures to bring the national legislation into complete conformity with the provisions of the Convention as regards the points mentioned above.

*Israel* (ratification : 23.12.1953). See under Convention No. 77.

*Italy* (ratification : 22.10.1952). The Com-

mittee takes note with interest of the information supplied by the Government to the Conference Committee in 1955, as well as of that contained in the last report, to the effect that the Government will take into account the observations made by the Committee in 1955, in the studies which are being undertaken with a view to amending the relevant national legislation, so as to ensure the complete application of the Convention.

The Committee hopes that the necessary amendments to the legislation will be adopted at an early date.

*Poland* (ratification : 11.12.1947). The Committee takes note of the information supplied by the Government representative to the Conference Committee in 1955, and of that contained in the last report, in reply to the observations made in 1955, to the effect that an Act to prohibit the employment of young persons in domestic service would soon be adopted. As Article 1, paragraph 2, of the Convention includes domestic service within its scope the Committee would be grateful if the Government would be good enough to indicate in its next report whether the above-mentioned legislation has been adopted.

*Convention No. 79: Night Work of Young Persons (Non-Industrial Occupations), 1946.*

Number of reports requested : 6.

Number of reports received : 5.

Reports not received : 1.

(Guatemala.)

*Dominican Republic* (ratification : 22.9.1953). The Committee thanks the Government for the detailed information which it has supplied in its first report. However, it draws the attention of the Government to the following points :

(1) As regards paragraph 4 (b) of Article 1 of the Convention, the Committee would be glad if the Government would state whether any precise definition has been laid down for the terms "dangerous" and "unhealthy", contained in section 229 of the Labour Code, which stipulates that no young person under 18 years of age shall be employed in dangerous or unhealthy work.

(2) As regards Article 3, paragraph 1, of the Convention, the Committee noted that the Labour Code (section 224) prohibits the employment of young persons under 18 years of age between 10 p.m. and 6 a.m., whereas the Convention lays down that such young persons shall be allowed a rest period of at least 12 consecutive hours, including the interval between 10 p.m. and 6 a.m.

(3) As regards Article 5, paragraph 4 (b), of the Convention, the Committee would be grateful if the Government would be good enough to state what measures are taken to ensure that, among the conditions required in granting licences to enable children or young persons to appear at night in public entertainment, strict safeguards are prescribed to ensure that they receive kind treatment and that there is no interference with their education, as prescribed in the Convention.

(4) As regards Article 5, paragraph 4 (c), of the Convention, the Committee noted that the Labour Code (section 228), which authorises the employment up to midnight of young persons between 14 and 18 years of age in concerts and theatrical shows, does not provide, as stipulated in the Convention, for a rest period of at least 14 consecutive hours.

(5) Finally, according to section 3 of the Labour Code, the employment relations of officials and public employees with the State, the district of Santo Domingo, the communes or autonomous official bodies, shall be subject to special legislation. The Committee would be glad to have further information regarding this special legislation as regards the subject matter of the Convention.

The Committee hopes that the Government will be good enough to supply in its next report further information on the various points dealt with above and will be able to take the necessary steps to bring its legislation into full conformity with the provisions of the Convention.

*Israel* (ratification : 23.12.1953). The Committee takes note with interest of the Government's first report, which shows that there is substantial conformity between the provisions of the national legislation and those of the Convention, except as regards the points dealt with below, about which it would be grateful if the Government would be good enough to supply additional information in its next report.

The report states that, according to section 4 (c) of the Compulsory Education Law of 1949, children over 14 years of age and adolescents of compulsory education age who have not completed elementary education shall be released by their employer on the days and hours fixed for school attendance. The Committee would be glad to be informed whether such children and adolescents may thus be subject to full-time compulsory school attendance and ventures to point out that, if this is the case, they should be granted at least 14 hours' consecutive rest at night, including the interval between 8 p.m. and 8 a.m., in conformity with Article 2, paragraph 1.

The Committee also notes that according to section 25 (a) of the Youth Labour Act, adolescents (between 16 and 18 years of age) may be permitted to work until 11 p.m. in places where the work is done in shifts, whereas Article 3 of the Convention lays down that a nightly rest period of at least 12 consecutive hours, including an interval between 10 p.m. and 6 a.m., must be granted and that only where there are exceptional circumstances affecting a particular industry or a particular area may the interval between 11 p.m. and 7 a.m. be substituted for that between 10 p.m. and 6 a.m., after consultation with the employers' and workers' organisations concerned. The Committee hopes that the Government will be good enough to state what measures it contemplates taking to ensure complete conformity between national legislation and the Convention.

Finally, the Committee notes with interest that the regulations concerning the register of juveniles to be kept by the employer in accordance with Article 6, paragraph 1 (b), have

been drafted and will shortly be submitted to the Working Youth Council before being published. The Committee would be glad to be informed of the progress made in this respect.

*Italy* (ratification : 22.10.1952). The Committee takes note with interest of the information supplied by the Government in writing to the Conference Committee in 1955, and of that contained in the report for this year, to the effect that the application of this Convention is at present being dealt with within the framework of the revision and the complete adjustment of the legislation relating to the protection of women and children, at present covered by Act No. 653 of 26 April 1954.

The Committee also notes that Act No. 25 of 19 January 1955, to lay down rules respecting apprenticeship, which is applicable to industry and to branches of activity other than industry, prohibits (section 10) the employment in every case of young apprentices between the hours of 10 p.m. and 6 a.m. The report adds that young persons may not be employed as apprentices until they have attained the age of 14 years. The Committee ventures to point out that this provision covers apprentices only, whereas Article 2 of the Convention lays down that all children under 14 years of age and children over 14 years who are still subject to full-time compulsory school attendance shall not be employed at night during a period of at least 14 consecutive hours, including the interval between 8 p.m. and 8 a.m.; and Article 3 of the Convention lays down that children over 14 years of age who are no longer subject to full-time compulsory school attendance and young persons under 18 years of age shall not be employed at night during a period of at least 12 consecutive hours including the interval between 10 p.m. and 6 a.m.

The Committee expresses the hope that the Government will soon be in a position to adopt the necessary measures to ensure conformity between the national legislation and the provisions of the Convention.

The Committee thanks the Government for supplying, in response to the request made in 1955, information regarding the inquiry made by the labour inspection services, which shows that, on the whole, night work does not appear to exist in fact in many cases in non-industrial undertakings.

#### *Convention No. 81: Labour Inspection, 1947.*

Number of reports requested : 19.

Number of reports received : 18.

Reports not received : 1.

(*Guatemala.*)

#### *General Observation*

The Committee ventures to draw attention to Article 25, paragraph 3, of the Convention, which provides that any Member which at the time of ratification excluded Part II (Labour Inspection in Commerce) from its acceptance of the Convention, shall indicate each year in its annual report "the position of its law and practice in regard to the provisions of Part II . . . and the extent to which effect has been given,



or is proposed to be given, to the said provisions ”.

The Committee would be grateful if the countries concerned would be good enough to supply the information in question in their next reports.

*Dominican Republic* (ratification : 22.9.1953). The Committee wishes to thank the Government for the detailed information supplied in its first report, which indicates that the labour inspection service in the Dominican Republic satisfies to a very large extent the requirements of the Convention. The Committee ventures to draw attention to the following points :

(1) No legislation appears to exist empowering labour inspectors to take or remove samples of materials and substances as laid down in Article 12, paragraph 1 (c) (iv), of the Convention.

(2) No legislation appears to exist enabling inspectors to make orders requiring alterations to the installation or plant which constitute a threat to the health or safety of the workers (Article 13).

(3) The labour inspectorate does not appear to be notified of industrial accidents and cases of occupational diseases (Article 14).

(4) Although section 410 of the Labour Code provides for the annual publication of a report on the work of the inspectors, no such report has been transmitted so far to the International Labour Office (Article 20).

The Committee would be glad if the Government would supply information on these points in its next report.

*Finland* (ratification : 20.1.1950). The Committee was glad to note from the Government's report that since the preparation of the annual general inspection report covering the year 1954 it has again been found possible to publish these reports regularly within 12 months after the end of the year to which they relate, as provided for in Article 20, paragraph 2, of the Convention.

*France* (ratification : 16.12.1950). The Committee notes from the Government's report that the labour inspection service submits to the "higher authority" the annual general report on the working of inspection, publication of which had been interrupted during the war. The Committee ventures to recall that the Government had already indicated in 1953 that preparation of the inspection report for 1952 was in hand, and that a copy would shortly be communicated to the International Labour Office. The Committee expresses the sincere hope that the Government will now find it possible to publish this report, in accordance with Articles 20 and 21 of the Convention.

*Haiti* (ratification : 31.3.1952). The Committee thanks the Government for the documentation supplied on the periodical reports made to the Labour Department by its inspectors (Article 19 of the Convention). It regrets, however, that the Government does not provide the other information requested by the Committee in 1955. The Committee would be glad, therefore, if the Government would indicate—

(1) what are the status, conditions of service and stability of employment of labour inspectors (Article 6 of the Convention) ;

(2) whether suitable offices and transport facilities are provided for inspectors (Article 11) ;

(3) whether it is intended to include in the Annual Report of the Director-General of the Labour Bureau the various particulars provided for in section 16 of the Act of 13 September 1947 respecting the protection of workers through labour inspection in industry and commerce, which section is in full conformity with Article 21 of the Convention ;

(4) whether it is intended to transmit copies of the above-mentioned Annual Report of the Labour Bureau to the I.L.O., in accordance with Article 20 of the Convention.

*Iraq* (ratification : 13.1.1951). The Committee notes, from a statement made by a Government representative to the Conference Committee in reply to the observation of 1955, that the Government hoped to appoint one or two women inspectors to the service at an early date (Article 8 of the Convention) and intended to publish in 1956 an annual general report on the work of the inspection service (Articles 20 and 21).

However, the Committee much regrets the absence from the report, despite a formal promise made by the above-mentioned Government representative, of any information concerning the steps taken or to be taken to give effect to the following other provisions of the Convention to which attention has been called since 1954 : 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).

The Committee particularly deplores the Government's failure to include any further information in the report on the measures taken to give effect to the above-mentioned Articles 20 and 21 of the Convention.

*Italy* (ratification : 22.10.1952). The Committee thanks the Government for the detailed information it was good enough to supply in response to the request made in 1955. Note is taken of the Government's statement that it hopes to be able to give effect in the near future to clauses (f) and (g) of Article 21 of the Convention, which provide that the annual general report on the work of the labour inspectorate should contain statistics of industrial accidents and of occupational diseases. The Committee ventures to point out that the labour inspection report for 1953 does not contain any data on the number of workers employed in the workplaces liable to inspection (Article 21 (c) of the Convention) and would be glad if the Government would indicate in its next report whether effect will be given to this provision of the Convention.

*Japan* (ratification : 20.10.1953). The Committee wishes to thank the Government for the detailed information supplied in its first report. It would be grateful if the Government could indicate in its next report what provisions of the national legislation empower labour inspectors to enter any workplace liable to inspection, at any hour of the night and, in the case of mines, to enforce the posting of notices (Article 12, paragraph 1 (a) and (c) (iii), of the Convention).

The Committee would also appreciate it if information could be supplied on the extent to which the inspection staff includes technical experts and specialists (Article 9). Finally, the Committee would be glad if the Government could communicate the most recent annual general report on the work of the inspection services, as provided for in Article 20 of the Convention.

*Pakistan* (ratification : 10.10.1953). The Committee notes from the Government's first report that the Factories Act, 1934, contains no provision empowering labour inspectors to enter any workplace liable to inspection without previous notice at any hour of the day or night (Article 12, paragraph 1 (a), of the Convention), nor does it empower them to enforce the posting of notices and to take samples of materials for purposes of analysis as laid down in paragraph 1 (c) (iii) and (iv) of the same Article; as regards inspectors of mines, the Mines Act, 1923, does not give effect to the above-mentioned provisions of paragraph 1 (c) (iii) and (iv), nor does it empower these inspectors to interrogate the employer or the staff of the undertaking and to require the production of books, registers, etc., as provided for in paragraph 1 (c) (i) and (ii) of Article 12.

The Committee further finds that factories inspectors are not specifically prohibited from having any direct or indirect interest in the undertakings under their supervision, and that neither factories nor mines inspectors are required to treat the source of any complaint as absolutely confidential (Article 15 (b) and (c)). The Committee hopes that effect will be given to these various provisions at an early date.

The Committee would also be glad if the Government could supply in its next report additional information on the manner in which effect is given to the following provisions of the Convention : Article 5 (co-operation between the inspection services on the one hand and other government services, public or private institutions and employers' and workers' organisations, on the other); Article 6 (status and conditions of service of inspectors); Article 9 (inclusion of technical experts and specialists in the inspection staff); Article 10 (strength of the inspection staff); Article 14 (notification of industrial accidents and occupational diseases to the labour inspectorate); Article 16 (measures taken to ensure adequate frequency and thoroughness of inspection visits); Articles 20 and 21 (publication of an annual general report on the work of the inspection services, within 12 months after the end of the year to which it relates, and transmission of this report to the International Labour Office). As regards labour inspection in commerce (Articles 22 to 24), the Committee

would be glad if the Government would include with its next report copies of the various provincial Acts mentioned in the report.

*Turkey* (ratification : 5.3.1951). The Committee took note with interest of the information given in the Government's report in reply to the observation made in 1955. It trusts that the labour inspection regulations will be completed at an early date and that the Government will then be in a position to prepare and publish the annual general report on the work of the inspection services provided for in Articles 20 and 21 of the Convention.

*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 : 15.

Number of reports received : 14.

Reports not received : 1.

(Guatemala.)

*Austria* (ratification : 18.10.1950). The Committee would be grateful if the Government would, in its next report, furnish additional information on the laws and regulations applicable to civil servants as regards the right to organise.

*Cuba* (ratification : 25.6.1952). The Committee takes note with interest of the information supplied in the report as regards points 3 and 5 of the observation which it made in 1955. As regards point 3, the Government states that the prohibition laid down in Resolution No. 838 of 15 January 1945 is limited to prohibiting the setting up of similar trade unions within a single undertaking and is in keeping with the wishes expressed by the workers' organisations. The Government adds that the workers concerned are free to entrust the protection of their collective interests to a union established outside the undertaking and covering workers in the same trade. As regards point 5, the Government states that the right of organisations to constitute federations and confederations is derived from Decree No. 1123 of 1943 and section 12 of Decree No. 2605 of 1933.

<sup>1</sup> See also Appendix II (relating to Non-Metropolitan Territories).



As regards the other three points dealt with in the observation made in 1955, the Committee wishes to point out the following :

(1) As regards the prohibition of the right of civil servants to organise, which is laid down in Decrees Nos. 2605 of 1933 and 65 of 1934, the Government states that in practice persons employed by the State form associations in order to ensure the protection of their common interests and that the provisions in question do not impair their freedom of association. In addition, the Government states that, if this appears to be necessary, a Bill will be prepared to amend the legislation on this point. The Committee feels that, as the provisions which restrict the freedom of association of civil servants do not seem to be applied in practice and impair the guarantees laid down in the Convention, it would be desirable for the Government to abrogate the legislative measures in question.

(2) In 1955 the Committee pointed out that section 14 of the decree of 7 November 1933 laid down that industrial trade unions shall not engage in "political activities" and it requested the Government to be good enough to supply information regarding the application of this section of the decree. In its report for this year, the Government states that it is difficult for it to supply the definition of the terms employed in the above-mentioned decree, but that persons who are affiliated to a trade union are completely free, as individuals, to belong to a political party of their own choosing and even to carry out propaganda among their fellow members of the union; the object of the decree in question would be to prevent trade unions from becoming political parties, as they are obliged "to protect the collective interests of their members irrespective of their views". Here again it seems to the Committee that, in view of the fact that the Government itself admits that such a provision is of comparatively minor importance, there would appear to be no real difficulty in abrogating or modifying this provision, so as to avoid any possibility of abuse which would be likely to be contrary to the provisions of Article 3 of the Convention, according to which organisations shall have full freedom to organise their activities and to formulate their programmes.

(3) Finally, the Committee requested the Government to state the nature of the control exercised by the official of the Ministry of Labour who, according to the provisions of section XV of the decree of 7 November 1933 and of section 8 of Circular No. 1 of 17 September 1934, may be present at trade union meetings. In reply to this question, the Government states in its report that the object of the presence of this official is to enable him, in the event of a dispute between the members of the same organisation, and in view of the limited value of evidence given by witnesses, to be in a position to establish the facts. The Committee is of the opinion that the presence of an official whose evidence can be called upon is liable to lead to measures of interference in the organisation of the administration and activities of organisations, and does not seem to be in keeping with the provisions of Article 3, paragraph 2, of the Convention,

according to which the public authorities shall refrain from any interference which would restrict or impede the lawful exercise of the rights of organisations. The Committee hopes that, as regards this point also, the Government will be good enough to amend the legislation in force.

Finally, the Committee would be grateful if the Government would, in its next report, furnish additional information on the following points:

(1) Are there provisions in the national legislation respecting the election of trade union leaders?

(2) What rules are applicable to workers' and employers' organisations as regards the freedom of meeting?

(3) What rules are applicable to international federations and confederations?

*Denmark* (ratification : 13.6.1951). The Committee would be grateful if the Government would, in its next report, furnish additional information on the laws and regulations applicable to civil servants as regards the right to organise.

*France* (ratification : 28.6.1951). The Committee notes that, in its report, the Government states that "the Parliamentary Bill No. 7716 designed to strengthen the guarantee of the exercise of freedom of association which may be impaired by trade unions which hold a monopoly for employment in undertakings exercised in fact by trade union organisations", is still before Parliament. It would be glad if the Government would supply information on the progress made towards the adoption of this new legislative measure.

*Mexico* (ratification : 1.4.1950). The Committee would be grateful if the Government would, in its next report, furnish additional information on the laws and regulations applicable to civil servants as regards the right to organise.

Moreover, the Committee would be grateful if the Government would send additional information on the application of Article 8 of the Convention and more particularly on the rules applicable to workers' and employers' organisations as regards the freedom of meeting.

*Norway* (ratification : 4.7.1949). The Committee would be grateful if the Government would, in its next report, furnish additional information on the laws and regulations applicable to civil servants as regards the right to organise.

*Pakistan* (ratification : 14.2.1951). The Committee took note with interest of the information supplied by the Government to the Conference Committee in 1955 as regards the various complaints which were being examined by the competent bodies concerning measures which had been taken against certain workers by reason of their trade union activities. The Committee also notes that, in the information which it supplied at a later date, the Government referred to the decisions of the Committee

of Enquiry which dealt with three of these complaints, and indicated that, as regards the violation of freedom of association alleged by the Karachi Airport Workers' Union, the Committee of Enquiry had stated in point of fact that there had been anti-union discrimination and had drawn the attention of the Minister of Defence to the matter. The Government also drew attention to three other cases which were being examined and the outcome of which would be made known at a later date.

The Committee would be grateful if the Government would be good enough to state what was the decision of the competent authorities as concerns the following cases: (a) Pakistan Telegraph Association, East Bengal, as regards the three workers in respect of whom, according to information supplied by the Government, criminal proceedings had been brought before the courts; (b) as regards the Karachi Airport Workers' Union, the Committee would like to know whether the 20 workers who were discharged on account of their trade union activities have been reinstated and what measures the Government contemplates taking in order to avoid the repetition of similar practices which constitute a violation of the right of association of workers; (c) complaints to which the attention of the Conference Committee was drawn by the Government in 1955 and in respect of which no information is supplied in the report: (i) N.W.R. Workers' Trade Union; (ii) Lever Brothers and Associated Companies Employees' Union; (iii) Pakistan M.E.S. Workers' Union, Peshawar; (iv) Pakistan M.E.S. Workers' Union, Karachi; (d) the three new cases referred to by the Government (Karachi Airport Workers' Union, C.O.D. Workers' Union Rawalpindi and C.O.D. Workers' Union, Drigh Road, Karachi).

As regards organisations of civil servants, the Committee took note of the statement made by a Government representative to the Conference Committee in 1955, that when there were no recognised organisations account was taken of the observations of the other organisations; the Government representative added that more detailed information on this point would be given in the next report. The Committee notes that the Government's report contains no information in this respect. It would, therefore, be grateful if the Government would be good enough to supply the information to which it refers and would indicate, in particular, what are likely to be the activities of a trade union organisation of civil servants which is not recognised, in cases where a recognised organisation already exists.

Finally, the Committee would be grateful if the Government would furnish additional information on the following two points:

(1) Are there provisions in the national legislation respecting the election of trade union leaders?

(2) What rules are applicable as regards the dissolution of workers' organisations in general and of trade union organisations of civil servants in particular?

*Philippines* (ratification: 29.12.1953). The Committee notes that the Government's report

does not contain sufficient information to enable it to judge whether all trade unions are afforded the guarantees provided for in the Convention. According to the information supplied by the Government, the registration of trade unions which is provided for by the legislation in force is not compulsory, and trade unions which so desire appear to be able to operate without being registered. The Committee would therefore be grateful if the Government would be good enough to state in its next report (which it hopes will be prepared according to the form of report adopted by the Governing Body) what are the legislative provisions which are applicable to trade unions which do not register (or to whom registration is refused or withdrawn) under Republic Act No. 875 of 17 June 1953. The Committee would be glad, in particular, to know—

(1) if trade unions which are not registered may be established without previous authorisation and what rules are applicable to their constitution;

(2) if trade unions are free to elect their representatives;

(3) how and by what authority the dissolution or suspension of the trade unions in question may be decided;

(4) if the said trade unions may acquire legal personality, and under what conditions;

(5) if these trade unions may represent their members in collective bargaining.

Finally, the Committee would also be glad if the Government would be good enough to indicate which provisions of the legislation give effect to Articles 5 and 6 (adherence of trade unions to national and international federations and confederations), 8 (respect of the law of the land) and 9 (trade union rights of members of the armed forces and the police) of the Convention, not only as regards "registered" trade unions but also as regards trade unions which are not registered.

*Convention No. 88: Employment Service, 1948.*

Number of reports requested: 20.

Number of reports received: 19.

Reports not received: 1.

(Guatemala.)

*Belgium* (ratification: 16.3.1953). The Committee takes note with interest of the detailed information contained in the Government's first report. However, it would be grateful if the Government would state in its next report whether, in spite of the different regulations for the staff employed by the National Employment and Unemployment Office (O.N.P.C.), this staff has the status and conditions of service which assure it stability of employment (Article 9 of the Convention).

*Cuba* (ratification: 29.4.1952). The Committee regrets to note that the report supplied by the Government this year contains no information in response to the observation made in 1955, apart from the reference under Article 2 of the Convention to the steps envisaged for an employment service directorate organised, on a

technical basis and according to the recommendations to be made by an I.L.O. expert, within the framework of the Technical Assistance Programme. The Committee would be grateful if the Government would indicate when it intends to make use of this assistance. It would also like to be informed as to the extent to which the assistance in question will affect the measures contemplated previously as regards the application of Articles 3 to 11 of the Convention and in respect of which the Committee made observations in 1955.

*Czechoslovakia* (ratification : 12.6.1950). The Committee thanks the Government for the detailed information which it has furnished in reply to the observations made in 1955. From this information it appears that effect is being given to Articles 1, 2, 7, 8, 10 and 11 of the Convention. The Committee wishes, nevertheless, to make the following observations as regards the other Articles and would be grateful if the Government would, in its next report, furnish information on these matters:

(1) The Committee notes that there is close co-operation between the manpower departments and the trade union movement. It would be pleased to know if provision is made for the consultation of the administrations of undertakings with regard to the application and development of the manpower policy of the manpower departments (Articles 4 and 5).

(2) The Committee notes that it appears, from the information furnished by the Government, that the aim of the manpower departments is to participate in recruitment and placement for the undertakings for which the manpower plan provides for organised recruitment. On the other hand, the assistance of the manpower departments is not prescribed for other undertakings, which must themselves arrange for recruitment under the control of the manpower departments. As Article 6 (a) provides that the employment services shall "assist workers to find suitable employment and assist employers to find suitable workers", the Committee would be pleased to know whether the Government proposes to extend the assistance of the manpower departments to cover placement and recruitment in undertakings for which there is no organised recruitment, so as to guarantee the rapid adaptation in all sectors of the national economy of the supply and demand of labour.

(3) Finally, the Committee would be pleased to know whether the status and conditions of employment of the personnel of the manpower departments are in accordance with the provisions of Article 9, paragraphs 1 and 2, of the Convention. The Committee would also be pleased to know what measures have been taken to ensure the training of the personnel of the manpower departments, as laid down in Article 9 paragraph 4, of the Convention.

*Dominican Republic* (ratification : 22.9.1953). The Committee takes note with interest of the information contained in the Government's first report; it would be grateful if in its next report the Government would be good enough to state—

(1) whether it contemplates taking any measures to set up the advisory committees referred to in Article 4 of the Convention;

(2) whether any measures have been taken to refer applicants and vacancies between the Employment Office and the local labour representatives when vacancies cannot be suitably filled or applicants suitably placed locally (Article 6 (a) (iv));

(3) whether the employment service facilitates the occupational and geographical mobility of workers in the country (Article 6 (b) (i) and (ii));

(4) whether the activities of the employment office are limited to collaborating in the recruitment of workers from Haiti for the sugar season or whether it also facilitates the movements of workers from one country to another which may have been approved by the governments concerned (Article 6 (b) (iv));

(5) what kind of statistical information regarding the employment market is collected by the employment office and the labour inspection service, and whether such information is available in conformity with clause (c) of Article 6;

(6) whether the employment office co-operates in the administration of unemployment insurance and assistance and of other measures for the relief of the unemployed (Article 6 (d));

(7) whether the employment office assists, as necessary, other public and private bodies in social and economic planning calculated to ensure a favourable employment situation (Article 6 (e));

(8) whether officials of the employment office take into account the needs of particular categories of applicants for employment, such as disabled persons, and whether any specialisation has been undertaken by occupations and industries (Article 7);

(9) whether any special arrangements have been made for juveniles under 18 years of age within the framework of the employment and vocational guidance services (Article 8).

Finally, the Committee would be grateful if the Government would be good enough to supply information regarding the methods for recruiting and selecting the staff of the employment office and regarding the methods adopted for providing adequate training for the performance of their duties (Article 9).

*Iraq* (ratification : 22.6.1951). In 1955 the Committee was obliged to repeat the observations which it had made in the past, and to which the Government had not replied. The Government representative to the Conference Committee stated that the reply to the observations made by the Committee would be included in the Government's next report. The Committee notes with deep regret that, in spite of this statement, this year's report does not contain the information requested in the past. Consequently the Committee again reiterates its observations and hopes that the Government

will make every endeavour to supply fuller information on the following points :

Article 1 of the Convention. Whether the Government intends to extend the scope of its employment service to workers other than those covered by the Labour Law of 1936 (industrial workers).

Article 3. Whether, in view of the limited number of existing employment offices, any arrangements have been made to enable the employment service to cater for employers and workers situated at a distance from an employment office.

Article 4. Whether any measures are contemplated to set up the advisory committees provided for in section 31 of the Labour Law of 1936 (according to which the Government may form committees representing the employers and workers for consultation in regard to general questions respecting the administration of employment in general).

Article 5. Whether the Central Employment Board, which, according to section 4 (1) of Regulation No. 37 of 1946, " shall be established in Baghdad to advise on employment questions ", is responsible for developing the general policy of the employment service.

Article 6. Whether measures have been taken as regards paragraph (a) (iv)—co-operation between one employment agency and another; paragraph (b) (i), (ii) and (iii)—measures to facilitate the mobility of workers; paragraph (c)—collection, analysis and dissemination of information on the employment market; paragraph (d)—co-operation in measures for the relief of the unemployed; paragraph (e)—assistance in planning to ensure a favourable employment situation.

*Italy* (ratification : 22.10.1952). The Committee takes note with interest of the detailed information supplied by the Government in response to the observations made in 1955; according to the additional information supplied in the Government's report for this year, it seems that the various Articles of the Convention are applied in general. However, on the basis of this information, the Committee wishes to point out that Article 4 of the Convention, which provides for an equal number of employers' and workers' representatives on advisory committees, is not applied in that there is not equal representation.

The Committee would also be grateful if the Government would be good enough to state in its next report whether or not the private employment agencies (for homeworkers and others) mentioned in the report are conducted with a view to profit, as the Convention provides for co-operation between such agencies and the employment service as regards private employment agencies not conducted with a view to profit (Article 11).

*Japan* (ratification : 20.10.1953). The Committee thanks the Government for the detailed information supplied in its first report. It would, however, be grateful to the Government if in its next report it could supply additional information on the following points :

Article 6 (b) (i) of the Convention : Are any measures taken by the employment service in order to facilitate occupational mobility with a view to adjusting the supply of labour to employment opportunities in the various occupations ?

Article 7 (a) : Are any measures taken to facilitate specialisation by occupations and by industries within the various employment offices ?

*Philippines* (ratification : 29.12.1953). The Committee takes note with interest of the information supplied by the Government in its first report. It would be grateful if the Government would be good enough to supply in its next report further information on the following points :

(1) Is the existing network of local offices considered to be sufficient to serve each geographical area of the country ?

(2) Are these offices conveniently located for employers and workers ?

(3) Have any measures been taken to provide for the periodical review of the organisation of the network of the employment service whenever necessary (Article 3 of the Convention) ?

(4) How many advisory committees have been set up on the national, regional and local levels under section 2 of Act No. 761 (Articles 4 and 5) ?

(5) How is the employment service organised in practice and what are its current operations designed to carry out effectively the functions described in sections 4 and 5 of Act No. 761 (Article 6) ?

(6) What measures have been adopted to facilitate specialisation by occupations and industries, so as to meet adequately the needs of particular categories of applicants for employment, such as disabled persons, and also regarding arrangements for juveniles within the framework of the employment and vocational guidance services (Articles 7 and 8) ?

(7) What methods govern the recruitment, selection and training of the staff of the employment service (Article 9) ?

(8) What measures have been taken, in co-operation with the employers' and workers' organisations concerned, to encourage the full voluntary use of employment service facilities (Article 10) ?

(9) What measures have been adopted to secure effective co-operation between the public employment service and private employment agencies not conducted with a view to profit (Article 11) ?

*Switzerland* (ratification : 19.1.1952). The Committee takes note with interest of the information supplied by the Government, in response to the observations made in 1955, as regards the new cantonal legislative provisions respecting the employment service which were promulgated during the period under review.

*Turkey* (ratification : 14.7.1950). The Committee takes note with interest of the detailed information contained in the report relating to the measures adopted to enlarge and improve the employment service.

*Convention No. 89: Night Work (Women)*  
(Revised), 1948.

Number of reports requested : 16.

Number of reports received : 15.

Reports not received : 1.

(Guatemala.)

*Austria* (ratification : 5.10.1950). With reference to the observations which it made in 1955, the Committee takes note with interest of the information supplied by the Government to the Conference Committee in 1955 (and referred to in this year's report), to the effect that it has not yet been possible to submit to the legislative authority a Labour Bill which would take into account all the provisions of the Convention. The Committee would be glad to be kept informed of the progress made in this connection.

*Belgium* (ratification : 1.4.1952). The Committee thanks the Government for the information given in a statement made by the Government representatives to the Conference Committee in 1955, and reaffirmed in this year's report, in reply to the observations made by the Committee as regards the absence of legislation to ensure the consultation of the employers' and workers' organisations concerned before authorising the suspension of the prohibition of night work for women. The Committee notes with interest that in practice employers' and workers' organisations are always consulted in such cases and that when it appears expedient to revise the existing legislation the Government will incorporate the necessary provision in the legislation in force. The Committee hopes that information on this revision will be given in the next report.

*Czechoslovakia* (ratification : 12.6.1950). The Committee takes note with interest of the supplementary information which the Government has supplied regarding the application of the Convention. As regards Article 2, the Committee notes that the definition of night work given in section 8, paragraph 1, of the Eight-Hour Working Day Act of 1918 has been amended by wage decrees which define night work as work performed between 10 p.m. and 6 a.m. (and not between 10 p.m. and 5 a.m.). The Committee also takes note of the information given by the Government concerning the breaks which in fact are generally allowed, according to whether the work is carried out in one, two or three shifts.

It points out, however, that there is no legislative provision which prohibits (as laid down in the Convention) the night work of women during a period of *at least 11 consecutive hours*, including an interval of at least seven consecutive hours falling between 10 p.m. and 7 a.m., and that the national legislation only lays down that women shall be allowed a nightly rest of eight hours.

As regards Article 5, paragraph 1, of the Convention, and the exceptions to the prohibition of night work for women (over 18 years of age) which are authorised under Government Ordinance No. 19 of 1951, the Committee notes with

interest that the Government intends to abolish these exceptions as soon as the economic situation and the available labour force permit it.

The Committee hopes that the Government will soon be in a position to ensure complete conformity between provisions of the national legislation and those of the Convention as regards the above-mentioned points.

*Dominican Republic* (ratification : 22.9.1953). The Committee thanks the Government for the very detailed information which it has supplied in its first report. However, it ventures to point out that—

(1) Section 219 of the Labour Code provides for a rest of *eight* hours only (between 10 p.m. and 6 a.m.), whereas the Convention provides for a period of at least *eleven* consecutive hours, including an interval of at least seven hours falling between 10 p.m. and 7 a.m. (Article 2 of the Convention) and only provides for the possibility of a shorter night period in countries where the climate renders work by day particularly trying, provided compensatory rest is granted during the day (Article 7).

(2) Paragraph 6 of section 219 of the Labour Code allows an exception to be authorised for special reasons by the Secretary of State for Labour; the scope of this exception is wider than that provided for in Articles 4 to 8 of the Convention in specific cases.

The Committee hopes that the Government will take the necessary measures to bring the national legislation into conformity with the Convention on these two points and will state in its next report what measures it contemplates taking in this respect.

The Committee also notes that the Government will supply at a later date information regarding the practical application of the Convention.

*France* (ratification : 21.9.1953). The Committee takes note with interest of the detailed information supplied by the Government in its first report, which indicates that no change has been made in the legislation since the Government ratified Convention No. 89 and denounced Convention No. 4. The Committee ventures to point out—as it has done as regards Convention No. 4—that there is a slight discrepancy between Article 5 of the Convention and section 22 (a) of Book II of the Labour Code, which does not stipulate that the employers' and workers' organisations concerned must be consulted before any exceptions are authorised to the prohibition of the night work of women in establishments engaged in work connected with the national defence and in which the work is organised in shifts.

In this connection, the Committee points out that in 1953 the Government representative to the Conference Committee stated, as regards Convention No. 4, that "labour inspectors had now received formal instructions enjoining them to hold such consultations before permitting exceptions" and that "the legislation would be modified when Convention No. 89 was ratified". The Committee would be grateful if the Government would be good enough to state in its next report whether these instructions are still in force

and whether the proposed amendment to the legislation was made automatically when Convention No. 89 was ratified, or whether the Government contemplates taking special measures in this connection.

*Pakistan* (ratification : 14.2.1951). The Committee takes note with interest of the information supplied by the Government in writing to the Conference Committee in 1955 and reaffirmed in this year's report, according to which the Mines (Amendment) Bill, which provides that restrictions on the prohibition of night work by women are relaxed in case of emergency only, is ready to be placed before the new Constituent Assembly for enactment.

The Committee would be grateful if the Government would be good enough to indicate what progress has been made in this respect.

*Philippines* (ratification : 29.12.1953). The Committee takes note with interest of the information supplied by the Government in its first report, which shows that there is some measure of conformity between the provisions of the national legislation and those of the Convention. However, the Committee wishes to draw attention to the following points :

Article 1 of the Convention. There are no specific provisions in the legislation to define the term "industrial undertakings" or the line of division which separates industry from agriculture, commerce and other non-industrial occupations.

Article 2. The legislation (section 7 (b) (3) of Act No. 679) prohibits the employment of women between 10 p.m. and 6 a.m. (eight hours) whereas the Convention lays down that a period of nightly rest shall be granted of at least 11 consecutive hours.

Article 5, paragraph 1. According to section 7 (b) (3) of Act No. 679, the prohibition of night work of women may be suspended by the President in case of emergency where national interests demand such suspension in a particular industry or industries. However, the Act does not provide (as laid down in the Convention) that this suspension shall be made after consultation with the employers' and workers' organisations concerned.

The Committee would be glad if the Government would be good enough to state in its next report what measures it contemplates taking to establish full conformity between the provisions of the national legislation and those of the Convention as regards the above-mentioned points.

*Syria* (ratification : 1.12.1949). The Committee thanks the Government for supplying the information which it requested in 1955 on the practical application of the Convention.

*Convention No. 90: Night Work of Young Persons (Industry) (Revised), 1948.*

Number of reports requested : 8.

Number of reports received : 7.

Reports not received : 1.

(Guatemala.)

*Cuba* (ratification : 29.4.1952). As the report for this year contains no new information the Committee reiterates the request which it made in 1955 and would be glad if the Government would be good enough to indicate in its next report what measures it has taken or intends to take to ensure that the provisions of the Convention are known to the persons concerned, as provided for in Article 6, paragraph 1 (a).

*Czechoslovakia* (ratification : 12.6.1950). The Committee takes note with interest of the supplementary information supplied by the Government as regards the application of Articles 2, 3, 5 and 6 of the Convention.

As regards Article 2, the Government refers to its report on Convention No. 89, from which the Committee notes that the definition of night work contained in section 8, paragraph 1, of the Eight-Hour Working Day Act of 1918, which is given as work done between 10 p.m. and 5 a.m., has been amended by wage decrees which define night work as work done between 10 p.m. and 6 a.m. The Committee points out that there is a discrepancy between this legislation, which prohibits night work for *eight consecutive hours*, and the provisions of the Convention, which specify that the term "night" signifies a period of *at least 12 consecutive hours* and that this period shall include (a) an interval of at least seven consecutive hours falling between 10 p.m. and 7 a.m. (in the case of young persons from 16 to 18 years of age), or (b) the interval between 10 p.m. and 6 a.m. (in the case of young persons under 16 years of age).

As regards Article 3, paragraph 3, of the Convention, the Committee took note with interest of the information relating to the conditions under which apprentices may exceptionally be employed during the night (provided that an interval of at least 13 consecutive hours is ensured between two working periods), and the statement that the young persons in question are mostly over 16 years of age. In this respect, the Committee notes that consequently there may be some exceptional cases in which young students or apprentices *under* 16 years of age are employed at night, whereas the Convention only authorises the exception in respect of young persons who have *attained* the age of 16 years.

The Committee also notes with interest that there are only very exceptional cases in which young persons under 18 years of age are employed from 3 a.m. in preparatory operations in bakeries. However, the Committee again points out that this practice is not in conformity with Article 3, paragraph 4, of the Convention, which provides that the interval between 9 p.m. and 4 a.m. (which must be included in the period of at least 12 consecutive hours' rest) 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 therefore hopes that the Government will be able to take the necessary steps at an early date to ensure the strict application of the Convention, according to which work may not start



earlier than 4 a.m. in the special case of bakeries.

As regards Article 5, the report states that young persons between 16 and 18 years of age may be exceptionally employed at night in any economic sector, and that the circumstances (to ensure the uninterrupted transport of workers and the supplies of electricity, gas, heating or steam) indicated in Government Ordinance No. 19 of 1951, should be considered as being within the scope of Article 5 of the Convention. The Government adds that the number of applications for such exceptions has been gradually greatly reduced and that at present they are very rarely made. The Committee takes note of this information with interest, and hopes that the Government will soon be in a position to repeal the provision in question.

As regards Article 6, the Committee notes with interest that the personnel lists kept by undertakings contain particulars of the dates of birth of persons under 18 years of age and would be grateful if the Government would be good enough to indicate what provision of the legislation specifies that *all* the undertakings covered by the Convention are obliged to keep such lists.

The Committee also notes with interest the information given as regards the supervision of the application of the relevant regulations.

*India* (ratification : 27.2.1950). The Committee thanks the Government for sending, as requested in the observations made in 1955, copies of the Rules framed in 1955 under the Employment of Children Act 1938. The Committee notes that, according to section 4 (a) of the Rules, both for railways and major ports, the central Government *may* consult workers' and employers' organisations before approving the scheme of apprenticeship or vocational training in respect of which exceptions to the prohibition of night work may be authorised, whereas under Article 3, paragraph 2, of the Convention the competent authority is *obliged* to consult the organisations concerned before authorising any such exceptions.

The Committee hopes that the Government will be good enough to supply in its next report more detailed information regarding the above-mentioned point and will state whether any use has been made of these exceptions.

The Committee notes with satisfaction that the above-mentioned Rules of Employment for railways and major ports contain provisions for the keeping of registers which are in conformity with the provisions laid down in Article 6, paragraph 1 (e), of the Convention, as requested by the Committee in previous observations.

*Israel* (ratification : 23.12.1953). The Committee takes note with interest of the detailed information given by the Government in its first report, which shows that the legislation is substantially in conformity with the provisions of the Convention, except as regards the following point :

Section 25 (c) of the Youth Labour Law of 1953 empowers the Minister of Labour to permit temporarily, for the purposes of vocational training, the employment at night of young persons who have attained the age of 17 years,

in places where the work proceeds continuously, whereas the Convention (Article 3, paragraph 2) specifies that the exception in question may be authorised after consultation with the employers' and workers' organisations concerned. The Committee hopes that the Government will be good enough to indicate in its next report what measures it contemplates taking to ensure conformity with the Convention as regards this point.

The Committee also notes that regulations concerning the register of juveniles (Article 6, paragraph 1 (e)) to be kept by the employer have been drafted and will shortly be submitted to the Working Youth Council before publication. The Committee would be glad if the Government would state in its next report what progress has been made in this respect, and would also supply information on the practical application of the Convention.

*Italy* (ratification : 22.10.1952). With reference to the observations which it made in 1955, the Committee takes note with interest of the information supplied by the Government in writing to the Conference Committee in 1955, and of that contained in the report for this year, to the effect that the legislation relating to the protection of women and children, namely Act No. 653 of 26 April 1954, is still being revised and that this revision is designed to eliminate the discrepancies between the national legislation and the provisions of the Convention, to which the Committee has drawn attention.

The Committee also notes that the report refers to section 10 of Act No. 25 of 19 January 1955, to lay down rules respecting apprenticeship, according to which the employment of apprentices is prohibited in every case between the hours of 10 p.m. and 6 a.m. In this connection the Committee points out that Article 3 of the Convention lays down as a general rule that young persons under 18 years of age shall not work at night in industrial undertakings during a period of at least *12 consecutive hours*, and provides for exceptions for purposes of apprenticeship only in the conditions indicated in paragraphs 2 and 3 of Article 3 of the Convention in the following terms :

"For purposes of apprenticeship or vocational training in specified industries which are required to be carried on continuously, the competent authority may, after consultation with the employers' and workers' organisations concerned, authorise the employment in night work of young persons who have attained the age of 16 years but are under the age of 18 years."

"Young persons employed in night work in virtue of the preceding paragraph shall be granted a rest period of at least 13 consecutive hours between two working periods."

The Committee therefore hopes that, at an early date, the Government will be able to adopt provisions which will ensure complete conformity between the national legislation and the Convention, not only as regards the above-mentioned point but as regards the various points referred to by the Committee in the observation which it made in 1955.

*Pakistan* (ratification : 14.2.1951). With reference to previous observations, the Committee takes note with interest of the information supplied by the Government in writing to the Conference Committee in 1955, and referred to in this year's report, regarding amendments to existing legislation. In this connection the Committee ventures to draw the attention of the Government to the following points :

The Employment of Children Rules of 1955 (section 8) and Rule 13 of the Consolidated Mines Rules of 1952, as amended by the Notification of 8 May 1953, permit the employment of children at night as apprentices or for purposes of vocational training in (1) occupations connected with transport of passengers, goods or mails by railway or involving the handling of goods in ports and (2) mines, provided that certain conditions are fulfilled (that the young persons in question are declared medically fit and are under the personal supervision of a person over 18 years of age). While the Committee appreciates the safeguards which are laid down in the legislation as regards the employment of such children in railways, ports and mines, it nevertheless points out that the exceptions in question are not strictly in conformity with the provisions of paragraphs (2) and (3) of Article 3 of the Convention. The Committee therefore reiterates the observation which it made in 1954, when it pointed out that, according to these provisions of the Convention, exceptions to the prohibition of night work may be authorised for purposes of vocational training only in specified industries or occupations which are required to be carried on continuously, after consultation with the employers' and workers' organisations concerned and provided that the young persons in question are granted a rest period of at least 13 consecutive hours between two working periods.

The Committee hopes that the Government will be able to take the necessary action at an early date to ensure full conformity between the provisions of the national legislation and those of the Convention as regards the points dealt with above.

The Committee notes with interest that the enactment of the Bill to amend the Factories Act is being speeded up and it would be glad if the Government would be good enough to supply information regarding the progress made in this respect, as well as the text of the amending legislation.

As regards Article 5 of the Convention, the Committee notes with interest that section 4, paragraph 2, of the Act of 1951 to amend the Employment of Children Act is in conformity with this Article of the Convention, which provides that the prohibition of night work may be suspended by the Government when, in case of serious emergency, the public interest demands it. However, as regards section 46, paragraph 2, of the Mines Act, which gives the central Government general powers to grant exemption from the prohibition of the Mines Act, the Committee refers to the observation which it made in 1954 in this respect, and to the statement made by the Government representative to the Conference Committee in 1955, that the Mines (Amendment) Bill contains pro-

visions to restrict the night work of young persons to cases of serious emergency. The Committee hopes, therefore, that the amending Bill will be in strict conformity with the provisions of the Convention in this respect and would be glad if the Government would supply further information on this point.

*Philippines* (ratification : 29.12.1953). The Committee thanks the Government for the information supplied in its first report. However, the Committee would be grateful if the Government would be good enough to supply in its next report supplementary information on the following points :

(1) Section 5 (b) of Act No. 679, which prohibits the employment of children who have attained the age of 16 years but are under the age of 18 years between the hours of 10 p.m. and 6 a.m., also provides that children employed at night under the provisions of this subsection shall be granted a rest period of 13 consecutive hours between two working periods. The Committee presumes that the expression "employed at night under the provisions of this subsection" refers solely to the period authorised by the legislation, i.e. the period prior to 10 p.m.

(2) On the other hand, Article 2, of the Convention provides that *in all cases* children between 16 and 18 years of age must be given at least 12 consecutive hours of rest, including an interval of at least seven consecutive hours falling between 10 p.m. and 7 a.m., whereas the legislation appears to ensure 13 consecutive hours of rest only in respect of children employed at night under the provisions of the above-mentioned section 5 (b) of Act No. 679.

*Convention No. 92: Accommodation of Crews (Revised), 1949.*

Number of reports requested : 11.

Number of reports received : 11.

*Brazil* (ratification : 8.6.1954). The Committee thanks the Government for the information supplied in its first report and notes that, in conformity with the Federal Constitution of Brazil, the Convention was approved by Legislative Decree and promulgated by an Executive Decree; consequently, it has force of law in Brazil, but, on the other hand, the Government states that the necessary regulations to give effect to the provisions of the Convention are at present being considered by the Executive Power.

In these circumstances, the Committee hopes that the Government will take the necessary steps to ensure the complete application of the Convention, and it would be glad to receive in the next report detailed information regarding the application of each Article of the Convention.

*Cuba* (ratification : 29.4.1952). The Committee thanks the Government for the new information contained in the report for the period 1954-55. However, it notes that the legislation, which is of a general nature, does not guarantee, as provided for in Article 3 of the Convention,



the application of the provisions of Parts II, III and IV of the Convention. The Committee hopes therefore that at an early date the Government will adopt the necessary measures to enable it to comply with the obligations undertaken by its ratification of the Convention. It would also be grateful if the Government would supply information regarding the progress made in this respect.

*Finland* (ratification : 22.12.1951). In response to the request made by the Committee in 1955 as regards the measures taken to give effect to Article 13, paragraph 2, of the Convention (regarding the minimum sanitary accommodation on board vessels), the Government states that the provisions included in the decree of 20 November 1948 are based on the number of persons in the crew and not—as provided for in the Convention—on the tonnage of the vessel.

The Committee fully appreciates that the method for calculating the amount of the accommodation in question might differ from that referred to in the Convention, but it would be grateful if the Government would be good enough to specify in its next report whether the decree of 1948 provides for sanitary accommodation at least analogous, for each of the categories concerned, and in particular for ships under 800 tons, to that provided for in Article 13, paragraph 2, of the Convention.

*Poland* (ratification : 13.4.1954). The Committee thanks the Government for its first report. It notes that section 21 of the Act of 28 April 1954, relating to service on board merchant vessels, requires the Ministry of Shipping and the Ministry of Health, after consulting the Central Trade Union of Shipping Workers, to prescribe standards for the accommodation of the crew on board and that the provisions in question are now being drafted and will shortly be published.

The Committee would be grateful if the Government would be good enough to supply in its next report the text of the above-mentioned provisions and would also supply the detailed information required under each point of the form of report.

*Portugal* (ratification : 29.7.1952). The Committee regrets to note from the information supplied in the report for the period 1954-55 that no legislation has yet been promulgated to give effect to the provisions of the Convention. The Committee hopes that the Government will take the necessary measures to comply with the obligations which it assumed when it ratified the Convention, and would be glad if it would state what measures it proposes to take in this connection.

*Sweden* (ratification : 18.7.1950). The Committee notes with appreciation that the Government of Sweden has, in accordance with Article 1, paragraph 5, of the Convention, communicated particulars of a decision by the competent administrative authority, taken after due consultation with the shipowners' organisation and seafarers' trade unions, to vary the requirements of Article 15, paragraph 3, as

regards the fitting of mosquito doors to three ships under construction.

#### *Convention No. 94: Labour Clauses (Public Contracts), 1949.*

Number of reports requested : 11.

Number of reports received : 9.

Reports not received : 2.

(*Guatemala, Israel.*)

#### *General Observation*

The Committee notes that certain States consider that, since their social legislation is applicable to all workers without distinction, it is not necessary to include in public contracts the labour clauses specified in the Convention.

In this connection the Committee wishes to draw attention to the fact that the essential purpose of the Convention is to ensure that workers employed under public contracts shall enjoy the same conditions as workers whose conditions of employment are fixed not only by national legislation but also by collective agreements or arbitration awards, and that in many cases the provisions of the national legislation respecting wages, hours of work and other conditions of employment provide merely for minimum standards which may be exceeded by collective agreements.

The Committee therefore feels that the mere fact of the national legislation being applicable to all workers does not release the States which have ratified the Convention from the obligation to take the necessary steps to ensure that public contracts contain the labour clauses specified in Article 2 of the Convention which, moreover, makes no distinction on this point.

The Committee does not, of course, overlook the fact that in certain countries and as regards certain matters, the conditions (wages, etc.) which are laid down in the national legislation constitute both maximum and minimum standards which may not be exceeded by more favourable collective agreements or arbitration awards. In such cases it considers that a reference in the public contracts to the relevant provisions of the national legislation would be sufficient for the purpose of giving effect to the Convention. Such a step would, *inter alia*, draw the attention of the parties to the provisions in question and facilitate their application.

The Committee therefore hopes that the various States will take the necessary steps for the insertion in public contracts of clauses ensuring to the workers concerned wages, hours of work and other conditions of employment not less favourable than those established for work of the same character, in the trade or industry concerned, in the same district, whether by collective agreements or by arbitration awards or by national legislation.

*Austria* (ratification : 10.11.1951). The Committee notes with interest that, in conformity with a decision taken by the Council of Ministers on 11 October 1955, the Federal Ministry of Commerce and Reconstruction is to draft new instructions governing public contracts in which labour clauses will be incorporated, to

ensure that the conditions of employment of the workers concerned will be not less favourable than those of workers engaged by private contractors (Article 2, paragraph 1, of the Convention).

The Committee hopes that the Ministry, in drafting these regulations, will bear in mind the other provisions of the Convention, regarding in particular the consultation of employers' and workers' organisations and the measures to inform persons tendering for contracts of the terms of the clauses (Article 2, paragraphs 3 and 4).

The Committee would be glad if the Government would indicate in its next report what progress has been made in the preparation of these regulations and would also include specimen copies of the notices and forms of record mentioned in Article 4 of the Convention.

*Belgium* (ratification : 13.10.1952). The Committee notes that, in reply to the request made by it in 1955, the Government states in its report that the Belgian social legislation is applicable to all workers without any distinction, that collective agreements concluded within a Joint Committee and which have been given binding force are applicable to all the workers in undertakings covered by the Joint Committee, and that the system of control and supervision covers all undertakings. In these circumstances the Government considers that the guarantee ensured by social legislation is more effective than the insertion of the standard clause in the Specifications.

The Committee refers in this connection to the above General Observation relating to this Convention, and would be grateful if the Government would nevertheless examine the possibility of inserting in public contracts the labour clauses prescribed by the Convention, it being understood that in the case of legislation or collective agreements applicable to all workers, a mere reference to these texts would be sufficient. Meanwhile the Committee would be grateful if the Government would indicate in its next report what fields (wages, allowances, hours of work and other conditions of labour) are covered by the laws and collective agreements in virtue of which workers employed under public contracts are ensured the same conditions as other workers, and to supply a list of the relevant legislation as well as particulars of the clauses in collective agreements applying equally to all workers regardless of whether they are employed under public or private contracts.

*Cuba* (ratification : 29.4.1952). The Committee examined with interest the information supplied in reply to the observation made by it in 1955. It notes the Government's statement that the labour legislation is applied without any exception and that it is not considered necessary to reproduce in contracts all the benefits granted under the Constitution and legislation.

In this connection the Committee refers to the above General Observation on the Convention, which defines in particular the obligations incumbent on governments with regard to labour clauses in public contracts (Article 2, para-

graph 1, of the Convention). It hopes that the Government will be able to take steps for the insertion in public contracts of labour 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", whether these are fixed by collective agreement, legislation or otherwise.

The Committee also hopes that the Government, in taking these steps, will take into account the other provisions of the Convention, including in particular the definition and scope of public contracts (Article 1, paragraphs 1, 2 and 3), the consultation of employers' and workers' organisations and the measures to inform the persons tendering for contracts of the terms of the clauses (Article 2, paragraphs 3 and 4) and the measures ensuring the implementation of labour clauses in public contracts (Articles 4 and 5).

*Finland* (ratification : 22.12.1951). The Committee examined with interest the information supplied by the Government to the Conference at its last session, in reply to the observation made by the Committee in 1955. As regards Article 2, paragraph 1, of the Convention, it notes the statement that the scope of collective agreements extends to the entire country and that "it would be unnecessary to insert a special reference to conditions of work in the contracts concluded by public authority since the public authority is also required to apply the collective agreement in force for the trade in question and to observe its detailed provisions on wages, hours of work and other conditions of work". However, the Committee refers in this connection to the Government's report for 1952-53 in which it was 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"; it wonders therefore whether the application of the Convention might not be more fully ensured if labour clauses were expressly inserted in public contracts, as required under Article 2, paragraph 1.

As regards the other points raised by it in 1955, the Committee is pleased to note that contracts under unemployment relief schemes and work carried out by subcontractors are covered in the same way as other public contracts.

Finally, the Committee refers to the observation made by it in 1955 and it would be grateful if the Government would indicate in its next report how effect is given to those provisions of the Convention which relate to its practical implementation and enforcement, particularly as regards Article 5 of the Convention, and if it would attach to its next report specimen copies of the notices and forms of record mentioned in Article 4.

*France* (ratification : 20.9.1951). The Committee thanks the Government for the information supplied in reply to the request made by the Committee in 1955. It notes with interest that the attached Decrees Nos. 55-256, 55-257

and 55-258 of 12 February 1955, give fuller effect to the Convention, since they provide that homeworkers engaged under public contracts should enjoy certain guarantees as to wages and since they contain provisions relating to supervision by the labour inspector of the wages paid to workers employed in workplaces, workshops or at home.

The Committee would, however, be glad if the Government would include in its next report the information on the practical application of the Convention requested under Point V of the report form, together with specimen copies of the notices and forms of records mentioned in Article 4.

*Italy* (ratification : 22.10.1952). The Committee thanks the Government for the detailed information supplied in reply to the observation made in 1955, showing in particular how effect is given to Article 4 (a) (iii) of the Convention, which relates to the posting of notices, and Article 4 (b) (i), which relates to records of wages and of time worked.

As regards Article 2 of the Convention, the Committee notes from the Government's report that "it has been laid down that a special clause must be inserted in the terms and conditions governing concessions for long-distance motorbus lines, the purpose of this clause being to secure the enforcement of the legal provisions and national collective agreements...". Thus it notes with interest that the Government considers that the application of legislation and national collective agreements can be improved by the insertion of a suitable labour clause in public contracts and it hopes that, when preparing the draft legislation which according to the report will deal, *inter alia*, with the subject matter of the Convention, the Government will bear this factor in mind, as well as the above General Observation on this Convention.

*Netherlands* (ratification : 20.5.1952). The Committee refers to the observation made by it in 1955 regarding the insertion of labour clauses in public contracts (Article 2, paragraph 1, of the Convention) and notes that the Government now states that such a clause is generally inserted in the specifications of public contracts. In this connection, the Committee refers to the above General Observation on this Convention, which deals in particular with the obligations incumbent on governments with regard to labour clauses in public contracts. It would be glad to know whether the specifications of public contracts are considered as an integral part of such contracts. It also hopes that the Government will be able to take any necessary steps for the insertion in *all* public contracts of labour 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".

*Philippines* (ratification : 29.12.1953). The Committee takes note with interest of the first report supplied by the Government on the

application of this Convention. The Committee notes in particular the statement that the essential provisions of the Convention are applied in virtue of Act No. 3688, which lays down that any person or corporation entering into a formal contract with the Government is obliged to make prompt payment to persons supplying labour or material. The Committee points out that this legislative provision relates to the punctual payment of wages rather than to the wage rate itself and is therefore not directly relevant to the Convention.

The Committee also notes the Government's statement that the minimum wage law and the eight-hour labour law are of general application. In this connection it refers to the above General Observation on the Convention, which defines in particular the obligations incumbent on governments with regard to labour clauses in public contracts (Article 2, paragraph 1, of the Convention). It hopes that the Government will be able to take steps for the insertion in public contracts of labour 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", whether such labour clauses are fixed by collective agreement, legislation or otherwise.

The Committee also hopes that the Government, in taking these steps, will take into account the other provisions of the Convention, including in particular the definition and scope of public contracts (Article 1, paragraphs 1, 2 and 3), the consultation of employers' and workers' organisations and the measures to inform the persons tendering for contracts of the terms of the clauses (Article 2, paragraphs 3 and 4) and the measures ensuring the implementation of labour clauses in public contracts (Articles 4 and 5).

Finally, the Committee would be glad if the Government would indicate in its next report whether or not it considers it necessary for the competent authority to take adequate measures to ensure fair and reasonable conditions of health, safety and welfare for the workers concerned (Article 3 of the Convention).

#### *Convention No. 95: Protection of Wages, 1949.*

Number of reports requested : 9.

Number of reports received : 8.

Reports not received : 1.

(*Guatemala.*)

*Austria* (ratification : 10.11.1951). In reply to the Committee's observation in 1955 concerning the application of Article 6, the Government indicated in the Conference Committee that under Austrian rules of civil law workers are free to dispose of their wages. In case of violation of these rules workers are able to lodge a complaint with the competent court. The Committee took note of this statement with interest.

*Cuba* (ratification : 29.4.1952). The Committee took note with interest of the information supplied by the Government in response to the

observations made in 1955. It notes further that the national legislation does not appear to be in harmony with certain provisions of the Convention and would be grateful if the Government would be good enough to supply further information in its next report on the following points :

Article 4, paragraph 1 of the Convention. The report states that the question of the payment of wages in the form of liquor of high alcoholic content or of noxious drugs has not so far arisen. The Committee takes note of this statement, but feels that such a prohibition is not necessarily implicit in section 47 of Decree No. 798 of 1938, under which wages must be paid in legal tender, and under article 64 of the Cuban Constitution, which prohibits the payment of wages in the form of merchandise. In point of fact section 45 of the above-mentioned decree provides that 40 per cent. of the total wages may be paid in kind (room, board, etc.). The Committee would like to know, therefore, whether under this last-named provision liquor of high alcoholic content would not be supplied to the workers.

Article 4, paragraph 2. The Committee would be grateful if the Government would be good enough to specify, as requested in the form of report, what measures have been taken to ensure that the allowances in kind are for the personal use and benefit of the worker and that the value attributed to such allowances is fair and reasonable.

Article 8, paragraph 2. The Committee ventures to request information once again concerning the measures taken to inform workers of the conditions under which and the extent to which deductions from wages may be made.

Article 9. The Committee would be glad if the Government would indicate, as requested last year, whether there exist provisions prohibiting deductions from wages designed to ensure a direct or indirect payment made by the worker for the purpose of obtaining or retaining employment.

Article 12, paragraph 2. The Committee regrets to have to note again that the Government has not yet indicated what measures have been taken to ensure the final settlement of wages, as provided for in the Convention.

Article 15. Finally, the Committee ventures to renew its request concerning the measures taken by the Government to make available for the information of the persons concerned the laws and regulations giving effect to the Convention.

The Committee hopes that the Government will supply the information requested and will take the measures required to bring the national legislation into full harmony with the provisions of the Convention.

*France* (ratification : 15.10.1952). In reply to the request for supplementary information made by the Committee in 1955, the Government supplied the following information.

Article 4 of the Convention. The Government considers that the absolute requirement laid down in section 43 of Book I of the Labour Code, under which the wages must be paid in legal tender (coins or paper money) excludes any possibility of payment of wages in the form of liquor of high alcoholic content or of noxious drugs.

Article 9. The Government indicates that the prohibition of any deduction from the worker's wages for the purpose of obtaining or retaining employment is considered a principle of general application. It was not considered necessary to introduce this principle in specific terms in section 51 (a) of Book I of the Labour Code except in the case of undertakings in which the application of this principle has actually met with certain difficulties.

The Committee took note of this information with interest.

*Italy* (ratification : 22.10.1952). The Committee took note of the information supplied by the Government in response to the observations made in 1955, as well as of the discussion which took place in the Conference Committee the same year.

Article 7, paragraphs 1 and 2 of the Convention. The Committee noted with interest that despite the absence of any specific provision in the Italian legislation for protecting workers against any pressure exercised by the employer to induce them to make use of company stores set up by the employer, contractual law on the one hand and the agreement concerning the individual discharge on the other, guarantee the application of the provisions of Article 7, paragraph 1.

The Committee also noted that the competent authority has taken appropriate measures, such as the setting up in every locality of model shops where the merchandise is sold at lower prices and which, in accordance with Article 7, paragraph 2, are not operated for the purpose of securing profit but for the benefit of the workers concerned. In addition, the Committee notes with interest that the stores set up by the employer and managed as co-operatives are administered by the workers themselves under the supervision of the State, in accordance with the principles governing consumers' co-operatives.

Article 15 (d). The Committee noted that section 12 of Regulations No. 200 of 25 January 1937 compel the employer to keep a register which must, *inter alia*, contain information on conditions of work and wages actually paid in cash or in any other form.

The Committee hopes that in accordance with the Government's statement detailed information will be given in its next report on the results of the inquiry initiated by the Ministry of Labour and now under way concerning the functioning of company stores.

*Netherlands* (ratification : 20.5.1952). The Committee took note with interest of the

information supplied by the Government in response to the request concerning the application of Article 15 (d) of the Convention. It noted with satisfaction that the various legislative texts include an obligation for the employer to keep wage records.

*Philippines* (ratification : 29.12.1953). The Committee took note of the Government's first report on the application of the Convention. It finds that, while the national legislation gives effect to some of the provisions of this text, some supplementary information is required in order to determine whether full effect is given to the Convention. The Committee would be grateful, therefore, if the Government would be good enough to supply additional information in its next report on the following points :

(1) The Government indicates that it does not intend to avail itself of the provisions of Article 2 of the Convention in order to exclude any class of persons from the application of the Convention. The Committee noted, however, that the Minimum Wage Law (No. 602) of 1951 which, according to the report, gives effect to certain provisions of the Convention, under its section 3 excludes from its scope of application certain classes of wage earners (employees of retail or service enterprises that employ not more than five persons, domestic servants, etc.). The Committee would be grateful, therefore, if the Government would be good enough to specify what legislative provisions apply to the wage earners in question, who are not covered by Law No. 602 of 1951.

(2) The report does not contain any information on the application of Article 4 (prohibition of payment of wages in the form of liquor of high alcoholic content or of noxious drugs ; use of allowances in kind) ; Article 7, paragraph 2 (supervision of company stores) ; Article 10 (attachment or assignment of wages) ; Article 13 (payment of wages on working days and prohibition of payment in taverns, etc.). The Committee would be glad if the Government would indicate what legislative provisions give effect to these various articles of the Convention.

*Convention No. 96: Fee-Charging Employment Agencies (Revised), 1949.*

Number of reports requested : 10.

Number of reports received : 9.

Reports not received : 1.

(Guatemala.)

*Cuba* (ratification ; 3.2.1953). The Committee takes note with interest of the information supplied in the Government's first report. While the Convention appears to be applied in general, the Committee would be glad if, in its next report, the Government would be good enough to state whether the workers' organisations act as fee-charging employment agencies not conducted with a view to profit, and, if this is the case, whether their activities are in conformity with the provisions of Article 6 of the Convention.

*Finland* (ratification : 22.12.1951). In response to the observations made by the Committee in 1955, the Government states in its report that private employment agencies are totally prohibited by the legislation in force ; nevertheless, according to the information supplied on Convention No. 2, the number of associations which conduct placing activities is 14.

The Committee would be glad if the Government would be good enough to state whether such associations constitute, in conformity with Article 1 (b) of the Convention " employment agencies not conducted with a view to profit ", whether they are authorised to place and recruit workers abroad, and under what conditions their activities are conducted.

*France* (ratification : 10.3.1953). The Committee takes note with appreciation of the information supplied by the Government in its first report ; it would be grateful if in its next report the Government would be good enough to state—

(1) whether it has adopted or contemplates adopting any measures to give effect to section 2 of the ordinance of 24 May 1945, which provides for the abolition of fee-charging employment agencies conducted with a view to profit (Article 3 of the Convention) ; if there are no measures requiring the abolition of such agencies, the Committee would be glad to know whether the provision relating to the abolition of the right to any deed of assignment or transfer is applied ;

(2) whether the decree provided for in section 2 of the ordinance of 1945 has been adopted to lay down measures for the supervision to be exercised by the regional and departmental manpower services over fee-charging employment agencies conducted with a view to profit ;

(3) what measures are at present in force to supervise the activities of fee-charging employment agencies conducted with or without a view to profit, in conformity with Article 4, paragraph 1 (a), Article 5, paragraph 2 (a), and Article 6 (a) ;

(4) what methods are used for the consultation of employers' and workers' organisations on the points dealt with above, in conformity with Articles 4, paragraph 3, and 5, paragraph 1 ;

(5) whether the decree provided for in section 3 of the ordinance of 1945 has been adopted to lay down the method of supervision to be exercised by the public manpower services over private free employment agencies, and also what measures are at present in force to ensure that the services rendered by employment agencies are in fact gratuitous (Article 7) ;

(6) what is the number of employment agencies for which exceptions are allowed, and what is the scope of their activities (Article 9).

*Italy* (ratification : 9.1.1953). The Committee notes with interest the information furnished in the first report of the Government. The Committee notes that a Bill is at present in preparation which provides that the trade union organisations shall administer, under the control and supervision of the Ministry of Labour, the

offices providing placement free of charge for persons seeking employment in domestic service, who until now were engaged by the employers through fee-charging agencies.

The Committee would be grateful if the Government would inform it when the said Bill is adopted.

*Netherlands* (ratification : 20.5.1952). With reference to the request which it made in 1955, the Committee thanks the Government for the information which it has supplied as regards the regulations framed to ensure conformity with the provisions of Article 5, paragraph 2 (*d*), and Article 6, paragraph (*c*), of the Convention.

*Pakistan* (ratification : 26.5.1952). With reference to the request which it made in 1955, the Committee notes that the Government has started the compilation of information regarding persons acting as intermediaries for the purpose of procuring employment (labour contractors, etc.) and the abolition of such practices (Article 3 of the Convention). The Committee hopes that the Government will be able to supply this information at an early date.

*Sweden* (ratification : 18.7.1950). The Committee would be grateful if the Government would be good enough to indicate whether—in conformity with the statement made by the Government to the Conference Committee in 1954—the necessary amendment to the legislation has already been adopted to eliminate the slight discrepancy which existed as regards the recruitment and placing of foreign musicians, artistes, etc. The amendment in question would ensure complete harmony between the national legislation and the provisions of Article 6 of the Convention.

*Turkey* (ratification : 23.1.1952). The Committee takes note of the information supplied in the report to the effect that a Bill has been drafted to regulate the activities of intermediaries between workers and employers. It hopes that—as the Government has stated in the past—this legislation will be promulgated at an early date.

*Convention No. 97: Migration for Employment (Revised), 1949.*

Number of reports requested : 8.

Number of reports received : 6.

Reports not received : 2.

(*Guatemala, Israel.*)

*Belgium* (ratification : 27.7.1953). The Committee takes note with much interest of the information supplied by the Government in its first report. The Committee would be glad if the Government would be good enough to supply in its next report information regarding the organisation and operation of medical services for members of the families of migrants for employment who accompany or join them (Article 5 of the Convention).

The Committee would also be glad if the Government would supply fuller information regarding the application of Article 6, paragraph 3, of Annex II of the Convention, which

provides for the adoption of the necessary measures to give effect to paragraphs 1 and 2 of this Article, and for penalties in cases of contraventions.

Finally, the Committee would be glad if the Government would supply information regarding the manner in which the Convention is applied and, in particular, extracts from official reports, information regarding the number and nature of the contraventions reported and any other particulars bearing on practical application of the Convention.

*Cuba* (ratification : 29.4.1952). The Committee takes note with interest of the information supplied in the report in response to the observations made in 1955. It notes that, in its report, the Government expresses the view that it is unnecessary to give effect to some of the provisions of the Convention, as the only workers authorised to immigrate are technicians, directors and managers of undertakings, in view of the restrictive nature of section 3 of Decree No. 2583 of 1933. The Committee ventures to point out that Article 11 of the Convention defines a "migrant worker", irrespective of his occupational qualifications, as "any person who migrates from one country to another with a view to being employed otherwise than on his own account...". The Committee would therefore be grateful if the Government would indicate what measures it contemplates adopting to apply the provisions of the Convention to all migrant workers.

The Committee has also taken note of the information supplied regarding foreigners who have been authorised to work in recent years and notes that the total number of "cases examined" up to 30 September 1955 amounted to 791. The Committee would be glad if, in its next report, the Government would indicate the approximate number of emigrants, since emigrants are also covered by the provisions of the Convention.

*Italy* (ratification : 22.10.1952). The Committee takes note with interest of the additional information supplied by the Government in response to the observations made in 1955 regarding the application of the Convention. However, the Committee would be glad if the Government would be good enough to supply full information respecting the application of Article 5 of Annex I and Article 6 of Annex II (contents of the contract of employment concluded by the migrant before departure), and as regards the following Articles of Annex II : Article 5 (measures to expedite the collective transport of migrants to another territory), Article 10 (measures to facilitate the return of a migrant to his country of origin or to assist him in finding suitable employment when it is considered that the employment for which he was recruited is unsuitable) and Article 11 (measures to enable the migrant worker to obtain suitable employment as a refugee and when he enters a territory of immigration in accordance with Article 3 of this Annex).

Finally, the Committee would also be glad if the Government would supply additional information regarding the working of the inspection service, as requested in the form of report.



*Netherlands* (ratification : 20.5.1952). The Committee takes note with interest of the information supplied by the Government in response to the observations made in 1955. However, the Committee wishes to point out that as regards Article 9 of the Convention the report contains no information regarding the methods adopted to permit migrants, taking into account the limits allowed by the national laws and regulations concerning export and import of currency, to transfer such part of their earnings and savings as they may desire.

The Committee much regrets, however, that the information supplied in response to the query made in 1955 on the effect given to the various provisions of Annexes I and II (which were included in the Netherlands ratification of the Convention) is so incomplete as to render a full examination impossible. The Committee would be glad if this information could be made available shortly.

*Convention No. 98: Right to Organise and Collective Bargaining, 1949.*

Number of reports requested : 15.

Number of reports received : 14.

Reports not received : 1.

(*Guatemala.*)

*Brazil* (ratification : 18.11.1952). The Government indicates in its report, in reply to the request for supplementary information made by the Committee in 1955, that the incorporation of the provisions of ratified Conventions into the national legislation results implicitly from the provisions of articles 66 and 87 of the Brazilian Constitution. The Committee would be glad if the Government would be good enough to state, as already requested in 1955, whether the introduction of the standards of the Convention into the law of the land has resulted in the repeal or modification of any previous legislative provision which may not be in conformity with the terms of the Convention.

The Committee would be grateful if the Government would be good enough to indicate also in its next report how effect is given to Article 1, paragraph 2 (a), of the Convention, under which workers must enjoy adequate protection against acts calculated to "make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership".

As regards Article 2 of the Convention, the Government indicates in its report that adequate protection against acts of mutual interference by workers' and employers' organisations is ensured by the provisions of the Labour Code under which the Ministry of Labour supervises the establishment, recognition, functioning and administration of such organisations. The Committee would be grateful if the Government would be good enough to supply detailed information on the various methods of supervision used with a view to preventing or repressing any acts of interference.

*Dominican Republic* (ratification : 22.9.1953). The Committee took note with interest of the information supplied by the Government in its

first report. It notes, however, that section 98 of the Labour Code grants company unions set up under section 294 priority rights as regards the conclusion of collective agreements with the employer. The Committee would be grateful if the Government would be good enough to supply in its next report detailed information on the manner in which this category of trade unions is protected against the acts of interference mentioned in Article 2 of the Convention.

*Egypt* (ratification : 3.7.1954). The Committee took note with interest of the information supplied by the Government in its voluntary report. It would be grateful if the Government would be good enough to supply in its next report detailed information on the application of the various Articles of the Convention, in accordance with the form of report.

*France* (ratification : 26.10.1951). See under Convention No. 87.

*Pakistan* (ratification : 26.5.1952). In the first report, which it supplied in 1954, the Government stated that the Bill to amend the Trade Unions Act, which would, in particular, incorporate in this Act the provisions of Articles 1 and 2 of the Convention, had not yet been enacted. In 1955 the Government representative to the Conference Committee stated that the necessary amendments to the Trade Unions Act would be made within a year. The Committee notes that the Government's report merely refers to the information previously supplied. It would be grateful if the Government would indicate as soon as possible what progress has been made as regards the adoption of the legislation which it considers necessary in order to give effect to the Convention. The Committee would also be grateful if the Government would supply information regarding the practical application of the Convention, as it has done in the case of Convention No. 87.

*Turkey* (ratification : 23.1.1952). The Committee had requested the Government in 1955 to supply additional information on the measures taken to give effect to the Convention. As regards Article 1 of the Convention, under which workers must enjoy adequate protection against acts of anti-union discrimination, the Government had referred in particular to section 13, paragraph 4 of the Labour Code, as amended by Act No. 5518 of 25 January 1950. The Committee had noted that certain undertakings are not covered by the Labour Code. The Government indicates in reply that under the new provisions contained in section 2 (c) of the Labour Code the coverage of this text has been extended and applies in particular to certain smaller undertakings which employ at least four persons in localities with a population of 50,000 or more. The Government adds that further extension of the Code is contemplated.

Although the scope of the Labour Code has thus been extended it appears clearly from the information supplied by the Government that the protection against acts of anti-union discrimination provided by section 13 of the Code

covers as yet only certain categories of workers. The Government indicates in addition that the Trade Unions Act No. 5018 of 20 February 1947, and in particular section 9 of this Act, which provides that "no person may be obliged to join or to refrain from joining a trade union or to refrain from withdrawing from a trade union", also affords protection against acts of anti-union discrimination. The Government adds in this connection that, although the definition of the term "worker" as used in the Trade Unions Act refers to section 1 of the Labour Code, this does not imply that only workers in the undertakings covered by the Labour Code enjoy protection. The Committee noted, however, that section 1 of the Labour Code, as amended by Act No. 5518 of 25 January 1950, includes in the definition of the term "worker" only persons who execute "manual work or work which is partly manual and partly non-manual". It follows that workers whose work is entirely non-manual are excluded from the scope of the Trade Unions Act and do not enjoy therefore the protection laid down by section 9 of this Act, to which the Government's report refers. The Committee hopes that the Government will soon be in a position to ensure the application of protective measures against acts of anti-union discrimination provided for by the Labour Code and by the Trade Unions Act to all workers without distinction, as laid down in Article 1 of the Convention.

As regards Article 2 of the Convention the Committee had asked the Government to indicate the means by which protection against acts of mutual interference by workers' and employers' organisations is ensured. In its reply the Government refers to the Associations Act, under which no previous authorisation is required for the formation of an association, and to the Trade Unions Act, under which the organisation of a trade union and membership in it are voluntary. Since none of the provisions contained in the two Acts quoted by the Government appears to cover the acts of *mutual* interference by workers' and employers' organisations referred to in Article 2 of the Convention, the Committee requests the Government to state what measures it intends to take to give effect to this Article.

*Uruguay* (ratification : 18.3.1954). The Committee took note with interest of the information supplied by the Government in its voluntary report. It would be grateful if the Government would be good enough to include in its next report supplementary information on the following points :

(1) The report contains very little information on the practical application of the Convention ; it would be particularly useful in this connection to know to what extent existing collective agreements contain clauses concerning the protection of the right to organise.

(2) The Government indicates in its report that it is at present studying a Bill which would reproduce the provisions of the Convention ; the Committee would be glad if the Government would keep it informed of the progress made in adopting this new legislation.

*Convention No. 99: Minimum Wage Fixing Machinery (Agriculture), 1951.*

Number of reports requested : 5.

Number of reports received : 5.

*Austria* (ratification : 29.10.1953). The Committee took note with interest of the Government's first report, which indicates that the provisions of the Convention are applied. It would be grateful, however, if the Government would be good enough to supply in its next report the information provided for under Article 5 of the Convention and in particular to state the number of workers covered by the legislation and the minimum rates of wages fixed.

*Mexico* (ratification : 23.8.1952). The Committee took note with interest of the first report supplied by the Government, which indicates that the main provisions of the Convention are applied. The Committee would, however, be grateful if the Government would be good enough to state in its next report what effect it is giving to Article 4, paragraph 1, of the Convention, under which measures must be taken to ensure that the employers and workers concerned are informed of the minimum rates of wages in force.

*Philippines* (ratification : 29.12.1953). The Committee took note with interest of the Government's first report, which indicates that the main provisions of the Convention are applied. It would be grateful, however, if the Government would be good enough to supply in its next report supplementary information on the following points :

(1) Under section 3 (b) of the Act of 6 April 1951 minimum wage rates apply only to workers employed in agricultural holdings of over 12 hectares. The Committee would be glad if the Government would be good enough to indicate whether the most representative organisations of employers and workers were consulted before determining to which undertakings, occupations and categories of persons the minimum wage fixing machinery is applied, as laid down in Article 1, paragraph 2, of the Convention.

(2) Under Article 2, paragraph 2, of the Convention appropriate measures shall be taken, in cases in which partial payment of minimum wages in the form of allowances in kind is authorised, to ensure in particular that the value attributed to such allowances is fair and reasonable. The Committee would be glad if the Government would be good enough to indicate how the value of board and room which, under the existing legislation, may be deducted from the cash minimum wage, is estimated.

(3) The report does not contain any information on the application of Article 4, paragraph 2 of the Convention (recovery of wages by workers).

Finally, the Committee would be grateful if the Government would be good enough to supply the statistical information requested under Article 5 of the Convention.



*Convention No. 100: Equal Remuneration, 1951.*

Number of reports requested : 7.

Number of reports received : 7.

*Austria* (ratification : 29.10.1953). The Committee wishes to thank the Government for its first report, from which it appears that the national legislation is generally in accord with the provisions of the Convention. The Committee would, however, be grateful if further information could be given in the next report on the extent to which the principle of equal remuneration is applied through collective agreements, e.g. the proportion of agreements which explicitly provide for the application of the principle, examples of typical clauses to that effect, etc. (Article 2, paragraph 2 (b), of the Convention).

The Committee also notes in this connection, from the report, that wage differentials between men and women in certain collective agreements are based on objective appraisals of the "quality and quantity of the work performed". The Committee ventures to draw attention to Article 3, paragraph 1, of the Convention, which mentions "objective appraisal of jobs on the basis of the work to be performed", and would be glad if in the next report a brief account could also be given of the methods followed in some of the above-mentioned cases.

*Belgium* (ratification : 23.5.1952). The Committee wishes to thank the Government for the information it was good enough to supply on the steps taken by the joint councils for certain branches of industry to further the implementation of the principle of equal remuneration. It was glad to find that progress has been made in this direction and looks forward with great interest to receiving further information on this question in future reports.

The Committee was also glad to learn, from the Government's report, under article 19 of the Constitution, on the effect given to the Equal Remuneration Recommendation, 1951, that the Legislative Decrees of 1945 and 1946, which provided for a 25 per cent. differential between the minimum wage rates applicable to men and women workers, are no longer in force.

*Dominican Republic* (ratification : 22.9.1953). The Committee wishes to thank the Government for its detailed first report on the application of the Convention, which indicates that effect is given to the principle of equal remuneration in law and in practice. The Committee would be grateful, however, if the Government would state in its next report whether any action has been taken "to promote objective appraisal of jobs on the basis of the work to be performed" (Article 3 of the Convention) and, if so, what are the methods followed in this connection.

*France* (ratification : 10.3.1953). The Committee wishes to thank the Government for its detailed first report on the application of the Convention and is glad to note that the principle of equal remuneration is given effect to, both

in law and in the actual wage-fixing process. It finds that the definition of an occupation and the evaluation of job content fall within the purview of collective bargaining and would appreciate it if the Government could indicate in its next report what methods have been adopted to promote an objective appraisal of jobs on the basis of the work to be performed (Article 3 of the Convention).

*Mexico* (ratification : 23.8.1952). The Committee took note with interest of the information supplied by the Government in its first report, which indicates that the principle of equal remuneration for men and women workers for work of equal value is laid down in the legislation. The Committee would be grateful, however, if the Government would be good enough to indicate in its next report what procedure is followed to evaluate jobs (Article 3 of the Convention) during the wage-fixing process and in particular how the criteria governing "quality of the work" and "effort made" are applied when use is made of them, as indicated in the report, in connection with the classification of jobs in collective agreements.

*Philippines* (ratification : 29.12.1953). The Committee took note of the Government's first report, which indicates that the principle of equal remuneration is applied in law. The Committee would be glad, however, if the Government's next report would give information on—

(1) the manner in which the application of the principle is ensured (Article 2 of the Convention);

(2) the methods, if any, adopted to promote an objective appraisal of jobs on the basis of the work to be performed (Article 3);

(3) the co-operation of employers' organisations in giving effect to the Convention (Article 4).

*Yugoslavia* (ratification : 21.5.1952). The Committee notes that the Government indicates in reply to the question asked in 1955 that the job evaluation methods used are those generally recognised as suitable for a just appraisal of the value of a job and thereby of the rate of remuneration and that there is no need therefore for introducing any special job appraisal methods (Article 3 of the Convention).

*Convention No. 101: Holidays with Pay (Agriculture), 1952.*

Number of reports requested : 3.

Number of reports received : 3.

*Sweden* (ratification : 12.8.1953). The Committee takes note with interest of the detailed first report submitted by Sweden on this Convention. It would, however, be grateful if the Government would include in its next report the information requested in the report form as regards the number of persons covered by the legislation in question, the number and nature of the contraventions reported, etc.

**C. Reports Received and Reports Not Received by 27 March 1956**

Number of Reports Requested: 1,234. Number of Reports Received: 1,118.

Number of Reports Not Received: 116.

Country	Reports received		Reports not received		Total
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
Afghanistan . . . . .	5	4, 13, 14, 41, 45	0		5
Albania . . . . .	0	—	4	4, 5, 6, 21	4
Argentina . . . . .	24	2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 21, 23, 26, 27, 29, 30, 32, 34, 41, 45, 50	9	1, 3, 13, 17, 19, 22, 33, 42, 52	33
Australia . . . . .	13	7, 8, 9, 15, 16, 21, 22, 26, 27, 29, 45, 63, 88	0	—	13
Austria . . . . .	26	2, 4, 5, 6, 10, 11, 12, 13, 17, 18, 19, 21, 24, 25, 27, 33, 42, 45, 81, 87, 89, 94, 95, 98, 99, 100	0	—	26
Belgium . . . . .	43	1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 26, 27, 32, 33, 42, 43, 45, 50, 53, 55, 56, 58, 62, 64, 69, 74, 87, 88, 89, 94, 97, 98, 100	1	29	44
Bolivia . . . . .	3	5, 14, 19	0	—	3
Brazil . . . . .	13	3, 5, 6, 7, 16, 41, 42, 45, 52, 53, 58, 92, 98	0	—	13
Bulgaria <sup>1</sup> . . . . .	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 . . . . .	11	5, 7, 8, 11, 15, 16, 18, 29, 41, 45, 63	0	—	11
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 . . . . .	7	7, 15, 16, 22, 23, 27, 59	6	11, 14, 19, 26, 32, 45	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 . . . . .	40	1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 29, 30, 33, 42, 45, 52, 58, 87, 88, 89, 90, 92, 94, 95, 96, 97, 98	0	—	40
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	10	1, 5, 7, 10, 79, 81, 88, 89, 98, 100	0	—	10
Egypt . . . . .	7	2, 11, 19, 41, 45, 53, 63	0	—	7

<sup>1</sup> Reports received too late to be summarised in Report III (Part I).

Country	Reports received		Reports not received		Total
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
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
France . . . . .	53	2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 26, 27, 33, 35, 36, 37, 38, 42, 43, 44, 45, 49, 52, 53, 55, 56, 58, 62, 63, 69, 74, 77, 78, 81, 87, 88, 89, 92, 94, 95, 96, 98, 100	1	29	54
Germany (Federal Republic)	17	2, 3, 7, 8, 9, 11, 12, 15, 16, 18, 19, 22, 23, 24, 25, 26, 27,	0	—	17
Greece . . . . .	21	1 <sup>1</sup> , 2 <sup>1</sup> , 3, 5, 6, 7, 8, 9, 11, 13, 14, 15, 16, 17, 19, 27, 29, 41, 42, 45, 52	0	—	21
Guatemala . . . . .	0	—	14	77, 78, 79, 81, 86, 87, 88, 89, 90, 94, 95, 96, 97, 98	14
Haiti <sup>1</sup> . . . . .	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 . . . . .	0	—	4	19, 27, 29, 45	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 . . . . .	11	1, 5, 10, 20, 30, 52, 77, 78, 79, 90, 101	3	14, 94, 97	14
Italy . . . . .	50	2 <sup>1</sup> , 3, 4 <sup>1</sup> , 6 <sup>1</sup> , 7, 8, 9, 10, 11, 12, 13 <sup>1</sup> , 14 <sup>1</sup> , 15, 16, 18, 19 <sup>1</sup> , 22, 23, 26, 27, 29, 32, 35 <sup>1</sup> , 36 <sup>1</sup> , 37 <sup>1</sup> , 38 <sup>1</sup> , 39 <sup>1</sup> , 40 <sup>1</sup> , 42 <sup>1</sup> , 44 <sup>1</sup> , 45, 48 <sup>1</sup> , 52, 53, 55, 58, 59 <sup>1</sup> , 60 <sup>1</sup> , 69, 77 <sup>1</sup> , 78 <sup>1</sup> , 79 <sup>1</sup> , 81, 88, 89 <sup>1</sup> , 90 <sup>1</sup> , 94, 95, 96 <sup>1</sup> , 97	0	—	50
Japan . . . . .	17	2, 5, 7, 9, 10, 15, 16, 18, 19, 21, 27, 29, 42, 50, 81, 88, 98	0	—	17
Liberia . . . . .	1	29	0	—	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 . . . . .	31	7, 8, 9, 11, 12, 13, 14, 16, 17, 19, 21, 22, 23, 26, 27, 29, 30, 32, 34, 42, 43, 45, 49, 52, 53, 55, 62, 63, 87, 99, 100	1	6	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 . . . . .	33	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, 101	0	—	33

<sup>1</sup> Reports received too late to be summarised in Report III (Part I).

## Report of the Committee of Experts

Country	Reports received		Reports not received		Total
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
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
Norway . . . . .	31	2, 5, 7, 8, 9, 11, 13, 14, 15, 18, 19, 22, 26, 27, 29, 30, 42, 43, 49, 50, 53, 58, 59, 63, 69, 81, 87, 88, 92, 95, 96	0	—	31
Pakistan . . . . .	20	1, 4, 6, 11, 14, 15, 16, 18, 19, 21, 22, 27, 32, 45, 81, 87, 89, 90, 96, 98	0	—	20
Peru . . . . .	7	1, 4, 11, 14, 19, 41, 45	4	24, 35, 37, 39	11
Philippines . . . . .	9	87, 88, 89, 90, 94, 95, 98, 99, 100	0	—	9
Poland . . . . .	35	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, 69, 77, 78, 79, 92	0	—	35
Portugal . . . . .	12	1, 4, 6, 14, 17, 18, 19, 27, 45, 69, 74, 92	0	—	12
Rumania . . . . .	5	1, 2, 3, 5, 11	12	4, 6, 7, 8, 9, 10, 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 . . . . .	28	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, 101	0	—	28
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 . . . . .	44	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, 92, 94, 95, 97, 98, 99	0	—	44
United States . . . . .	4	53, 55, 58, 74	0	—	4
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 . . . . .	0	—	17	1, 2, 3, 5, 6, 7, 11, 13, 14, 19, 21, 22, 26, 27, 29, 41, 45	17
Viet-Nam . . . . .	0	—	8	4, 5, 6, 13, 27, 29, 45, 52	8
Yugoslavia . . . . .	26	2, 3, 4, 5, 6, 7, 8, 9, 11, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 25, 27, 29, 45, 48, 52, 100	0	—	26

D. Statistical Table of Annual Reports on Ratified Conventions

Period	Reports requested	Reports received for the session of the Committee <sup>1</sup>		Reports received for 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 . . . . .	620	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	91.7	1,119	95.2
1954-55 . . . . .	1,234	1,118	90.5		

<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 IN NON-METROPOLITAN TERRITORIES (ARTICLES 22 AND 35 (PARAGRAPHS 6 AND 8) OF THE CONSTITUTION)

#### A. General Observations

##### *Australia*

The Committee notes with satisfaction that the Government has supplied this year all the reports on the application of ratified Conventions in the territories. It would be grateful, however, if the Government would in its next reports supply, as regards Norfolk Island, New Guinea and Papua, more detailed information on the practical application of the Conventions and on the organisation of the inspection services.

The Committee would also be grateful if the Government would consider communicating copies of the reports to the existing local employers' and workers' organisations or, in the absence of such organisations, to the advisory bodies on which employers and workers are represented.

##### *Belgium*

##### *Belgian Congo and Ruanda-Urundi.*

The Committee notes with satisfaction that this year the Government has submitted reports on the application in the Belgian Congo and Ruanda-Urundi of all the Conventions ratified by Belgium. It also notes with interest the information given in the report on the Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64) that the Government has begun to examine new legislative provisions which would be applicable to non-indigenous and indigenous labour without discrimination. The Committee is also pleased to note that the Government has communicated copies of its reports to the local employers' and workers' organisations.

The Committee expresses the hope that the next reports of the Government will follow more closely the forms of report adopted by the Governing Body and that they will contain more detailed information on the practical application of Conventions (decisions by courts of law, organisation of inspection services, statistics).

It appears to the Committee from the information supplied in the reports that declarations of application could be made in respect of a certain number of Conventions. This is particularly true of the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19), and, as regards the Belgian Congo, of a certain number of maritime Conventions.

##### *Denmark*

The Committee notes with satisfaction that the Government has sent all the reports on the

application of ratified Conventions in its non-metropolitan territories. It would nevertheless be grateful if the Government would draw up its next reports following more closely the report forms adopted by the Governing Body and if it would supply more detailed information on the practical application of Conventions (decisions of courts of law, organisation of inspection services, statistics).

The Committee would also be grateful if the Government would consider communicating copies of the reports to the existing local employers' and workers' organisations.

##### *France*

##### *Algeria and Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).*

The Committee notes with satisfaction considerable progress in the presentation of the reports on Algeria, Guadeloupe, Martinique and Réunion. It expresses the hope that next year the reports on French Guiana will contain more detailed information. Moreover, as regards the four Overseas Departments, it would be grateful if the Government would furnish the statistical information requested in the forms of report adopted by the Governing Body.

For all these territories it is not specified whether copies of the reports supplied have or have not been communicated to the local employers' and workers' organisations, and the Committee would be glad to have information on this point.

The Committee also notes that five reports on Algeria and one report on Martinique were not supplied this year.

The Committee finally notes with satisfaction that, in accordance with the request made by it in 1954 and 1955, the Government has communicated to the Director-General of the International Labour Office declarations respecting the application in the Overseas Departments of a large number of Conventions ratified by France. It expresses the hope that the Government will also be able to communicate the declarations requested in the case of Algeria.

##### *Morocco.*

The Committee notes with satisfaction that the Government sent this year a larger number of reports on the application of the Conventions ratified by France. Generally speaking, the reports were very detailed and it seems to the Committee that declarations of acceptance could be made in respect of Conventions Nos. 12, 14, 17, 18, 26, 27, 42, 45, 52, 81 and 96.

*Tunisia.*

The Committee notes that the Government has not submitted any reports on ratified Conventions this year.

*Overseas and Associated Territories.*

The Committee notes with satisfaction that, generally speaking, the reports received this year follow the forms of report. It notes nevertheless that further efforts could be made, particularly as regards the Comoro Islands, Madagascar and St. Pierre and Miquelon; the reports on these territories are generally rather lacking in detail and do not always contain the information requested by the form of report on the practical application of the Convention (decisions by courts of law, statistics). As regards the Comoro Islands, for which reports were sent for the first time this year, the Committee notes with regret that a number of reports were not supplied. It expresses the hope that the Government will supply in time all the reports on the application in this territory during the next period of all the Conventions ratified by France.

The Committee notes that it would appear from the information supplied that declarations of application to these territories could be made in respect of a considerable number of Conventions. This is particularly true of Conventions Nos. 11, 19, 45, 52, 81, 89, 95 and 100.

Finally, the Committee notes with satisfaction that, with the exception of the reports relating to the Comoro Islands and Togoland, which give no information on this matter, copies of all the reports relating to the Overseas Territories and the Associated Territories have been communicated to the local employers' and workers' organisations.

*French Somaliland.* The Committee would be grateful if the Government would append to its reports the texts of the local orders made under the legislation to give effect to the Conventions.

*Italy**Trust Territory of Somaliland.*

The Committee thanks the Government for the detailed information contained in its reports. With one exception (Convention No. 96) the Government has sent in reports on the application of all the Conventions ratified by Italy. It notes with satisfaction that, generally speaking, all the reports have been drafted in accordance with the forms of report and contain detailed information on the practical application of the Conventions. Finally, it thanks the Government for communicating copies of these reports to the local employers' and workers' organisations.

It appears to the Committee from the information furnished in the reports that declarations of acceptance could be made in respect of Conventions Nos. 11 and 18.

*Netherlands**Netherlands Antilles.*

The Committee notes with satisfaction that the Government sent reports on the applica-

tion of all the ratified Conventions, with the exception of two. It is pleased to note that, generally speaking, these reports are prepared in accordance with the forms of report and contain the information requested in these forms. It would nevertheless be grateful if the Government would state whether copies of these reports are communicated to the employers' and workers' organisations of the Netherlands Antilles.

*Surinam.*

The Committee notes that the Government has sent reports on the application of all the ratified Conventions with the exception of two. It would nevertheless be grateful if the Government would in its next reports supply more detailed information on the practical application of the Conventions (decisions by courts of law and statistics) and it expresses the hope that the Government will state whether copies of these reports have been communicated to the employers' and workers' organisations of Surinam.

The information supplied by the Government would seem to indicate that declarations of acceptance could be made in respect of the following Conventions: Nos. 11, 15, 23 and 27.

*Netherlands New Guinea.*

The Committee notes with satisfaction that the Government sent this year a greater number of reports on the application in Netherlands New Guinea of ratified Conventions. It nevertheless expresses the hope that the Government will in future send reports on the application of all ratified Conventions.

The Committee would also be grateful if the Government would indicate whether it has found it possible to communicate copies of the reports to the local employers' and workers' organisations.

*New Zealand*

The Committee notes with satisfaction that the Government has sent reports on the application of all ratified Conventions in its territories. It also notes with satisfaction that copies of the reports on the Cook Islands and Western Samoa were communicated to the local employers' and workers' organisations. It appears from the information supplied in the reports that declarations could be made in respect of the following Conventions:

*Cook Islands:* Nos. 12, 17 and 42.

*Western Samoa:* Nos. 12, 17, 26, 42, 84 and 99.

*Portugal**Overseas Provinces.*

The Committee notes with regret that the Government has once again not sent all the reports this year and that no reports have been received in regard to Portuguese Guinea, Mozambique and Timor. Moreover, as regards Macao, the Government has merely sent a general note in which it stresses the difficulties

which it would have in ensuring the application of the Conventions.

It must be noted in addition that generally speaking the reports which have been submitted follow to a very limited extent only the indications given in the forms of report adopted by the Governing Body. The Committee addresses an urgent appeal to the Government to supply for the next period, in regard to each of the Overseas Provinces, reports on all ratified Conventions, drawn up in accordance with the forms of report.

In the preceding years the Committee ventured to point out to the Government the different Conventions in respect of which declarations of application might be made, and expressed the hope that the Government would examine these suggestions. The Committee notes that up to the present the Government has not made any reply in this respect.

#### *Union of South Africa*

##### *South-West Africa.*

The Committee notes with interest the information supplied by the Government, to the effect that it is examining the possibility of submitting declarations of application with respect to the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26) and the Night Work (Women) Convention (Revised), 1948 (No. 89). The Committee would be glad to be kept informed in this connection.

#### *United Kingdom*

The Committee thanks the Government for the numerous and detailed reports which it

has submitted on the application of the Conventions in its territories. It expresses the hope that the Government will supply reports next year on the application of all ratified Conventions.

#### *Channel Islands (Guernsey, Jersey) and Isle of Man.*

The Committee examined with interest the clear and often very detailed reports submitted by the Government on the application in these territories of a great number of Conventions ratified by the United Kingdom. As regards the reports for the Isle of Man, the Committee has not been able, because of the late arrival of the reports, to subject all of them to a thorough examination; in these cases the Committee in its next report will include any observations required.

#### *Gambia.*

The Committee notes with regret that no report has been sent this year on the application of the Conventions to this territory.

#### *United States*

The Committee took note with interest of the information contained in the Government's reports to the effect that the possibility of applying the Conventions to the Panama Canal Zone is being studied, in the light of the special status of this territory. The Committee would be grateful if the Government would send detailed reports, as requested in 1955, for each of the other territories on the application of the four ratified Conventions in force.

### **B. Observations and Requests for Supplementary Information**

#### CONVENTION No. 2 : UNEMPLOYMENT, 1919

Number of reports requested : 6.

Number of reports received : 6.

#### *Netherlands*

##### *Surinam.*

The report states that the Convention has not been declared applicable to Surinam, as the local authorities did not consider this necessary. The Committee wishes to point out that, in a note dated 10 July 1951, the Netherlands Government submitted to the Director-General of the International Labour Office a declaration that it accepted for Surinam, with two modifications, the obligations of Convention No. 2 (Unemployment Convention, 1919). This declaration of acceptance was registered by the Director-General on 13 July 1951.

#### *United Kingdom*

##### *Guernsey.*

The Committee notes with interest the information supplied in the first report. In particular, the Committee notes that representatives

of employers and workers are not appointed, as such, to the States Labour and Welfare Committee, and would like to point out that Article 2, paragraph 1, of the Convention requires that persons representing the employers and workers shall be included in the committees appointed to advise on matters concerning the carrying on of employment agencies.

##### *Jersey.*

The Committee thanks the Government for the information furnished in its report. Nevertheless, it would be grateful if the Government would in its next report state whether steps are to be taken to furnish the Office at intervals of not more than three months with information on unemployment, as laid down in Article 1 of the Convention.

The Committee has noted the statement of the Government to the effect that the amount of unemployment in Jersey is not considered sufficient to warrant the setting up of advisory or consultative committees, but would like to point out that Article 2, paragraph 1, of the Convention requires the appointment of such committees.

Moreover, the Committee would be pleased to know whether there are private employment



agencies and, if so, whether their activities are co-ordinated with those of the existing public employment exchanges and the Juvenile Employment Office (Article 2 of the Convention).

*Isle of Man.*

The Committee takes note with interest of the Government's first report on the measures taken to apply the Convention, from which it appears that the Convention is applied. The Committee thanks the Government for its statement to the effect that quarterly statistics of unemployment will be forwarded in future to the Office in accordance with Article 1 of the Convention.

CONVENTION No. 3: MATERNITY PROTECTION,  
1919

Number of reports requested : 15.

Number of reports received : 15.

*France*

*Togoland.*

The Committee notes with satisfaction that, as indicated in the report, benefits payable in the case of maternity shall be paid as from 1 January 1956 by the Equalisation Fund of the Territory. It would be grateful if the Government would in its next report furnish detailed information on the working of the Equalisation Fund.

CONVENTION No. 4: NIGHT WORK (WOMEN),  
1919

Number of reports requested : 17.

Number of reports received : 17.

*France*

*Martinique.*

The Committee notes with interest the information supplied to the Conference Committee in 1955, in response to the observations made by it last year. It appears that certain women were employed at night sewing sacks filled with sugar as an exceptional measure only and in order to permit the loading of the crop on ships which were about to sail. The Government considers that the importance to Martinique of the disposal of the sugar crop is such that these authorisations could be deemed to come within the exceptions authorised by Article 6 of the Convention, as regards industrial undertakings influenced by the seasons and in all cases where exceptional circumstances demand it. The Government also points out that, in any case, in view of the local climate the provisions of Article 7 are applicable.

The Committee also notes with satisfaction that, according to the information supplied by the Government to the Conference Committee, observations have been made to the local labour inspectorate in order to prevent authorisations of this kind being granted in the future. It would be grateful if the Government would indicate in its next report the action taken on this measure.

*Italy*

*Trust Territory of Somaliland.*

In 1955 the Committee noted that the modification with which the Convention had been declared applicable relates to the exceptions provided for in Article 4 which, under this declaration, were extended to include continuous operations authorised by the labour inspectorate when they are deemed to be "necessary for the economy of the Territory". The Committee asked for detailed information on this subject. It notes with interest that the report states that until now the administration has granted no authorisation for continuous work but that the local weaving factory will probably adopt a two-shift and three-shift system, as its production is of great importance to the local economy. The Committee would like to have further information regarding this last point.

The Committee also notes that the prohibition of night work does not apply to women in managerial positions. It must be noted, however, that this exception, which is authorised under the Night Work (Women) Convention (Revised), 1948 (No. 89), is not provided for in Convention No. 4. Moreover, the modifications mentioned in the declaration made by the Government do not cover such an exception. The Committee would therefore be grateful if the Government would indicate in its next report what steps it intends to take in order to bring national legislation into conformity with the provisions of the Convention in regard to this matter.

CONVENTION No. 5: MINIMUM AGE  
(INDUSTRY), 1919

Number of reports requested : 15.

Number of reports received : 15.

*France*

*French Somaliland.*

The Committee would be grateful if the Government in its next report would forward the text of Order No. 786 of 17 June 1955 made under section 118 of the Overseas Labour Code, which is mentioned in this year's report.

*Togoland.*

The Committee notes the statement made by a Government representative to the Conference Committee in 1955, that the next report of the Government would contain an analysis of the local orders made under section 118 of the Labour Code, which were to be promulgated after consultation with the Advisory Committee on Labour. These orders would prescribe the conditions as to the age of admission of children to employment and the kinds of work which are absolutely prohibited for children because of their nature and also the exceptions as regards the age of admission to employment. As this year's report does not contain any information on this subject, the Committee would be grateful if the Government would give full information on the promulgation of the proposed orders.

CONVENTION No. 6 : NIGHT WORK  
OF YOUNG PERSONS (INDUSTRY), 1919

Number of reports requested : 18.

Number of reports received : 18.

*Denmark*

*Faroe Islands.*

The Committee notes with interest that the Danish Act No. 145 of 18 April 1925, respecting the employment of children and young persons, is also applicable to the Faroe Islands.

The Government refers to the report supplied by Denmark in respect of the period 1951-52 for detailed information regarding the provisions of this Act. However, the Committee reiterates the hope expressed by the Conference Committee in 1955 and would be glad if in its next report the Government would be good enough to supply detailed information on the practical application of the Convention, in accordance with the form of annual report.

*Greenland.*

The Committee takes note with interest of the information supplied by the Government in its report, to the effect that measures have been adopted in Greenland to prevent young persons under 18 years of age from being employed in any industrial undertakings from 10 p.m. to 5 a.m., and that young persons under 18 years of age who are employed in an industrial undertaking are in fact given a period of rest of not less than 11 consecutive hours. The Committee would be glad if the Government would be good enough to supply further information on this point and would state, in particular, whether the necessary legislation has been enacted.

*France*

*Algeria.*

The Committee took note of the information supplied by the Government to the Conference Committee in 1955, according to which the attention of the Governor-General had been drawn to the fact that section 29—and not section 21—of Book II of the French Labour Code was considered as applying to bakeries.

In this connection, the Committee refers to the observation made above as regards the application of this Convention in metropolitan France.

The Committee would be grateful if the Government would be good enough to supply in its next report more detailed information on the extent to which night work for children is prohibited in bakeries in these territories, and on the measures which it may contemplate taking in order to bring its legislation into full conformity with the provisions of the Convention.

*Cameroons.*

Same observation as in regard to French Equatorial Africa, second paragraph.

*Comoro Islands.*

Same observation as in regard to French Equatorial Africa, second paragraph.

*French Equatorial Africa.*

The Committee thanks the Government for the information contained in its report. It notes that night work is in principle prohibited in French Equatorial Africa for all young persons under 18 years of age, except where authorisation is granted for special reasons and in respect of specified persons by the labour inspector, but that no authorisation has been applied for during the period under consideration.

It also notes that under section 114 of the Overseas Labour Code the night work of young persons in industry continues to be governed by the provisions of the Convention and it supposes, therefore, that authorisations would only be granted in the cases listed in the Convention and, in particular, in Article 2, paragraph 2. The Committee would be grateful if the Government would confirm this view.

*French Establishments in Oceania.*

Same observation as in regard to French Equatorial Africa, second paragraph.

*French Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).*

Same observation as in regard to Algeria, second and third paragraphs.

*French Somaliland.*

The Committee would be grateful if the Government would forward the text of Order No. 786 of 17 June 1955 made under section 118 of the Overseas Labour Code.

Same observation also as in regard to French Equatorial Africa, second paragraph.

*French West Africa.*

Same observation as in regard to French Equatorial Africa, second paragraph.

*Madagascar.*

Same observation as in regard to French Equatorial Africa, second paragraph.

*New Caledonia.*

Same observation as in regard to French Equatorial Africa, second paragraph.

*Togoland.*

The report states that section 10 of Order No. 884-55 of 28 October 1955 permits the employment at night of boys of 16 years of age or over in operations which are necessary in factories working on continuous production.

Same observation also as in regard to French Equatorial Africa, second paragraph.

CONVENTION No. 7 : MINIMUM AGE  
(SEA), 1920

Number of reports requested : 6.

Number of reports received : 6.

*Italy**Trust Territory of Somaliland.*

The Committee takes note of the new information supplied by the Government in its report, from which it appears that the Trusteeship Administration of the Territory reserves the right of renouncing the modifications specified in the formal declaration of acceptance.

CONVENTION No. 8 : UNEMPLOYMENT  
INDEMNITY (SHIPWRECK), 1920

Number of reports requested : 6.

Number of reports received : 6.

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 : 5.

Number of reports received : 5.

*France**French Guiana.*

The Government states in its report that the French regulations satisfy the requirements of the Convention and that the Convention is applied in villages where primary education is organised. The Committee would be grateful if the Government would furnish additional information on the practical application of the Convention, i.e. the minimum age and the hours fixed for school education, and the number of infringements noted.

*Guadeloupe.*

The Government states in its report that because of a shortage of accommodation in certain schools a relatively large number of young persons of school age are employed in agricultural work during school hours. The Committee would be grateful if the Government would indicate what steps it intends to take in order to ensure that no young persons of school age are employed except outside school hours, as provided in the Convention.

*Martinique.*

The Government states in its report that, practically speaking, only a few young persons are employed, at certain times of the year, in light agricultural work. The Committee would be grateful if the Government would indicate whether such work is done outside school hours, as provided for by the Convention.

*Réunion.*

The Committee notes with interest the information furnished by the Government. Nevertheless, it notes that the report states that in 1955, practically speaking, only 75 per cent. of the children under 14 years of age could be admitted to the schools because of the shortage of accommodation. The Committee would be grateful if the Government would indicate in its next report what steps it intends to take to solve this problem and if it would indicate the progress achieved in this direction.

CONVENTION No. 11 : RIGHT OF ASSOCIATION  
(AGRICULTURE), 1921

Number of reports requested : 3.

Number of reports received : 3.

No observations.

CONVENTION No. 12 : WORKMEN'S  
COMPENSATION (AGRICULTURE), 1921

Number of reports requested : 5.

Number of reports received : 5.

No observations.

CONVENTION No. 13 : WHITE LEAD  
(PAINTING), 1921

Number of reports requested : 17.

Number of reports received : 16.

Reports not received : 1.

(*France : Tunisia.*)

*France**Cameroons.*

Same observation as in regard to French West Africa.

*French Somaliland.*

The Committee had made observations on the need for adopting measures to give full effect to the Convention. It is pleased to note that, as the Government representative stated to the Conference Committee, an order has recently been promulgated prohibiting the use of white lead, lead sulphate, linseed oil containing lead and other specialised products containing white lead or lead sulphate in all painting operations of any kind in the building industry.

The Committee would nevertheless like to point out that there do not appear to be any provisions regulating the use of the aforementioned materials in painting operations outside the building industry, as provided for in Articles 5, 6 and 7 of the Convention. It would be grateful if the Government would indicate in its next report what steps it intends to take to ensure the application of these provisions of the Convention.

*French West Africa.*

The Committee notes with satisfaction a statement of the Government to the Confer-

ence Committee, in reply to the observations made in 1955, that a text applying the provisions of the Convention, which will be promulgated in the near future, has been submitted to the Advisory Committee on Labour.

The Committee hopes that this text will come into operation at an early date and that it will ensure the application of the Convention in the Territory. It would be grateful if in its next report the Government would supply information on this point.

#### *St. Pierre and Miquelon.*

Same observation as in regard to French Somaliland.

#### *Togoland.*

Same observation as in regard to French Somaliland.

### CONVENTION No. 14 : WEEKLY REST (INDUSTRY), 1921

Number of reports requested : 14.

Number of reports received : 14.

#### *Denmark*

##### *Faroe Islands.*

The Committee takes note with interest of the first detailed report supplied on the application of the Convention in this territory. It notes in particular that Order No. 441 prohibits work on Sunday "which by the noise it creates or the manner in which it is carried out disturbs the peace of the holiday", and it would be glad if the Government would indicate in its next report whether this means that the weekly day of rest is ensured for the workers in all the industrial undertakings defined in Article 1 of the Convention.

The Committee also notes that exceptions may be authorised in connection with shipping, urgent work and transport. It would be glad to know whether a compensatory day of rest is granted in such cases, as required under Article 5 of the Convention.

Finally the Committee would be grateful if the Government would attach to its next report a copy of Order No. 441.

##### *Greenland.*

The Committee takes note with interest of the information supplied by the Government in reply to the observation made in 1955. However, since the position is not yet quite clear, and in view of the special conditions existing in Greenland, the Committee would be glad to have the Government's formal assurance in its next report that as regards both public and private undertakings (1) special regard is had to all proper humanitarian and economic considerations when authorising exceptions in virtue of Article 4 of the Convention, and (2) provision is made wherever possible for compensatory periods of rest when work is carried out on a Sunday, as laid down in Article 5 of the Convention, rather than for compensation by special pay.

#### *France*

##### *Cameroons.*

The Committee takes note with interest of the detailed information supplied on recent legislation and would be glad if the Government would indicate in its next report what are the special provisions regulating the rest periods of workers employed on railways or in waterways transport undertakings.

##### *French Somaliland.*

The Committee thanks the Government for having communicated a copy of Order No. 1545 of 23 December 1953, requested in 1955, and takes due note of its contents.

##### *Madagascar.*

Same observation as in regard to Cameroons.

#### *New Zealand*

##### *Cook Islands.*

The Committee notes that, in reply to the observation made in 1955, the Government refers to certain industrial agreements and states that Sunday (or Saturday in the case of Seventh Day Adventists) is strictly observed throughout the territory. The Committee understands therefore that no use whatever is made of the exceptions authorised under Articles 3 and 4 of the Convention and would be glad if the Government would give its confirmation on this point.

##### *Western Samoa.*

The Committee notes, from the information supplied in reply to the observation made in 1955, that exceptions to the weekly day of rest provisions are authorised under the Public Service Regulations and the Shopping Hours Ordinance, and that plantations and other undertakings follow these provisions in practice although they are not bound by them.

The Committee would therefore be grateful if the Government would indicate whether compensatory periods of rest are granted in accordance with Article 5 of the Convention when work has been carried out on the day of weekly rest, and if it would supply a list of the exceptions made under Articles 3 and 4, as required by Article 6 of the Convention.

### CONVENTION No. 15 : MINIMUM AGE (TRIMMERS AND STOKERS), 1921

Number of reports requested : 6.

Number of reports received : 6.

No observations.

### CONVENTION No. 16 : MEDICAL EXAMINATION OF YOUNG PERSONS (SEA), 1921

Number of reports requested : 6.

Number of reports received : 6.

*Denmark**Greenland.*

The Committee notes that the report states that the Convention is in effect applied to almost all the ships calling at Greenland, as these ships are registered in Denmark, and that therefore the legislation of the metropolitan country is applicable. The report adds that the number of ships registered in Greenland is not considerable and that these ships are engaged in coastal trading.

The Committee points out that the Convention is applicable to all ships engaged in maritime navigation, whether or not they are engaged in coastal trading and regardless of the number thereof. In view of the economic and social development in progress in Greenland, it does not seem unlikely that a greater number of ships will be registered in this Territory in the future.

The Committee would therefore be grateful if the Government would indicate in its next report what steps it intends to take in order to ensure the complete application of the Convention, even to ships registered in Greenland.

Moreover, as the ships registered outside the Territory, and particularly in Denmark itself, may find it necessary to make up their crews in Greenland, the Committee would be pleased to know whether, in such case, the application of the metropolitan legislation is guaranteed, and if, therefore, seamen under 18 years of age who are thus engaged are liable to undergo a medical examination as to their fitness for the work and to be re-examined at intervals of not more than one year.

CONVENTION NO. 17 : WORKMEN'S  
COMPENSATION (ACCIDENTS), 1925

Number of reports requested : 10.

Number of reports received : 10.

*United Kingdom**Guernsey.*

The Committee took note with interest of the information contained in the first report on the application of the Convention and would like to draw the attention of the Government to the following points.

With regard to Article 2 of the Convention the Committee notes that manual workers whose remuneration exceeds £8 per week appear to be excluded from accident insurance and that the law appears to permit also the exemption of certain workers with unearned income (article IV of the Contributory Pensions Law, 1935). The Committee ventures to point out that the scope of the Convention does not provide for such exceptions. It would also like to receive additional information on the position of injured workers who have attained 70 years of age and do not appear to be entitled to benefits.

With regard to Article 7 of the Convention the Committee notes that the law does not appear to provide for additional compensation when the injured workman must have the constant attendance of another person. Finally,

as far as Articles 9 and 10 are concerned, the Committee notes that the State Insurance Authority is vested with discretionary powers to decide about the entitlement of the injured worker to medical aid as well as to artificial limbs and surgical appliances, and would appreciate being informed how these powers are applied in practice.

The Committee would therefore be obliged if the Government would be good enough to supply in its next report detailed information on the points dealt with above and to indicate the steps it is intended to take to ensure full conformity between Guernsey legislation and the Convention.

*Jersey.*

The Committee noted from the detailed information supplied by the Government in its first report that the relevant legislation does not appear to provide for additional compensation when the injured workman must have the constant attendance of another person, as provided in Article 7 of the Convention, for medical aids (Article 9) and for the supply of artificial limbs and surgical appliances (Article 10).

The Committee would therefore be grateful if the Government would be good enough to indicate in its next report what steps it is envisaged to take to ensure full conformity between Jersey legislation and these provisions of the Convention.

CONVENTION NO. 18 : WORKMEN'S  
COMPENSATION (OCCUPATIONAL DISEASES), 1925

Number of reports requested : 3.

Number of reports received : 3.

*Denmark**Faroe Islands.*

The Committee refers to the request for information made in 1955 and to the statement of the Government representative to the Conference Committee that the required statistics will be contained in this report. As these statistics have not been supplied the Committee would be grateful if the Government would in its next report furnish information as to the number of cases of occupational disease which have been noted and information on the practical application of the Convention.

CONVENTION NO. 19 : EQUALITY OF  
TREATMENT (ACCIDENT COMPENSATION), 1925

Number of reports requested : 11.

Number of reports received : 10.

Reports not received : 1.

(*France : Tunisia.*)

*Denmark**Greenland.*

The Committee notes with interest the information supplied by the Government in reply to the observations made in 1955. It notes

that the persons employed by undertakings having their principal places of business in Greenland are not at present covered by accident insurance, but that the Government is studying the possibility of establishing an insurance scheme for such employees. The Committee would be grateful if the Government would inform it in its next report of the action taken on this project.

Moreover, the Committee would be grateful if the Government would inform it in its next report of the position as regards accident insurance for persons employed permanently in Greenland by undertakings having their principal place of business in Denmark.

#### *Netherlands*

##### *Surinam.*

The Committee notes that section 6, paragraph 7, of the Ordinance of 1947 respecting industrial accident insurance provides that foreigners who are entitled to an invalidity pension receive, when they leave Surinam, a lump sum in lieu of a pension. As this provision does not appear to be applicable to nationals, the Committee would be grateful if the Government would be good enough to state in its next report whether, in virtue of Article 1 of the Convention, nationals of States which have ratified the Convention receive the same treatment as nationals of Surinam.

#### *Union of South Africa*

##### *South-West Africa.*

The Committee notes with regret that the report merely reproduces the information contained in previous reports, and that the statistics for the number of accidents and deaths are identical to those furnished every year since 1953. It would be pleased if the Government would indicate in its next report whether there has been any change in these figures since the date mentioned.

#### *United Kingdom*

##### *Guernsey.*

The Committee has taken note with interest of the first report supplied. It notes that article XXIII (1) (d) of the Contributory Pensions Law makes the payment of benefit during a stay of the beneficiary abroad conditional upon approval of the States Insurance Authority. 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 condition as to residence", the Committee would be glad if the Government would indicate in its next report (a) whether there exist any additional ordinances governing payments abroad; (b) if this is not the case, whether in the practical application of the relevant legislation foreigners are treated in the same way as nationals.

The Committee also notes that article IV (1) (b) of the Law permits the exemption of aliens who are subject to compulsory insurance in their own country throughout their period of residence in Guernsey and who satisfy certain

other conditions. It would be grateful if the Government would indicate what steps are taken to ensure that each alien worker national of a State which has ratified the Convention is fully covered against the risk of industrial accident during all of the time that he is working in Guernsey.

##### *Jersey.*

The Committee has taken note with interest of the first report supplied. It notes that article 33 of the Insular Insurance Law provides that a person shall be disqualified for receiving any benefit for any period during which the person is absent from Jersey, unless provision is otherwise made by order. Since Article 1, paragraph 2, of the Convention provides that "equality of treatment shall be guaranteed to foreign workers and their dependants without any condition as to residence", the Committee would be glad if the Government would indicate in its next report whether exceptions under article 33 of the Insular Insurance Law are made on an equal basis, as far as nationals and foreigners are concerned.

#### CONVENTION No. 22 : SEAMEN'S ARTICLES OF AGREEMENT, 1926

Number of reports requested : 4.

Number of reports received : 4.

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 : 3.

Number of reports received : 3.

#### *United Kingdom*

##### *Guernsey.*

The Committee has taken note with interest of the first report supplied. It notes that the Guernsey Contributory Pensions Law provides for payment of cash benefits only for incapacity attributable to injury by accident, and not in respect of any incapacity by reason of an "abnormal state of . . . bodily or mental health" as provided by the Convention (Article 3, paragraph 1). It also notes that the provision of medical treatment is compulsory only as regards the first attendance by a doctor, being discretionary with the Insurance Authority thereafter, instead of being provided at least throughout the period during which cash benefit is payable as stipulated by Article 4 of the Convention. The Committee would be grateful if the Government would indicate in its next report the measures it is intended to take to

remove these two differences between present Guernsey legislation and the Convention.

*Jersey.*

The Committee has taken note with interest of the first report supplied. It notes that there is no scheme in force providing for free medical and hospital treatment, whereas Article 4 of the Convention stipulates that medical treatment, medicines and appliances shall be provided free of charge throughout the sickness benefit period, subject to such cost-sharing as may be prescribed. The Committee would be glad if the Government would indicate in its next report the measures it is intended to take to remove this difference between present Jersey legislation and the Convention.

CONVENTION No. 25 : SICKNESS INSURANCE  
(AGRICULTURE), 1927

Number of reports requested : 3.

Number of reports received : 3.

*United Kingdom*

*Guernsey.*

See under Convention No. 24.

*Jersey.*

See under Convention No. 24.

CONVENTION No. 26 : MINIMUM WAGE-FIXING  
MACHINERY, 1928

Number of reports requested : 15.

Number of reports received : 15.

*France*

*Overseas Territories and Associated Territories.*

The Committee would be grateful if the Government would in its next report supply information as to the practical application of the Convention and, in particular, under Article 5 of the Convention, information as to the number of workers covered by minimum wage fixing machinery.

*United Kingdom*

*Guernsey.*

The Committee has examined with interest the information furnished by the Government in its first report, from which it appears that, generally speaking, effect is being given to the provisions of the Convention. It would, nevertheless, be grateful if the Government would in its next report furnish additional information on the following points :

(a) The Committee notes that, under article 17 of the Act of 1947 respecting the settlement of labour disputes and conditions of employment, abatements of the wage rates fixed may be made by individual agreement, where the working capacity of a worker is reduced either by invalidity or on account of his age. The Committee will be grateful if the Govern-

ment would indicate (in view of the fact that this is not stipulated in the Convention which, on the contrary, in Article 3, paragraph 3, prohibits abatement by individual agreement of the rates of wages fixed) whether it is proposed to supplement this provision with guarantees, such as the obligation to obtain the prior authorisation of a wages council.

(b) The report of the Government contains no information on the steps taken to give effect to Article 4 of the Convention, which provides that the employers and workers concerned shall be informed of the minimum wage rates in force. The Committee would be grateful if the Government would indicate in what manner the employers and workers concerned are to be informed of the rates which have been fixed, particularly in the case of a collective agreement or an award, the provisions of which have been extended to all the workers in a given industry.

(c) Finally, the Committee would be grateful if the Government would furnish the information on the practical application of the Convention which is requested under Article 5 of the Convention (number of workers covered, rates of wages fixed).

*Jersey.*

The report merely states that in the majority of occupations the wage rates are fixed by agreement between the employers and the trade unions, and that there is no legal provision to give effect to the Convention. The Committee would be grateful if the Government would indicate what steps are intended to be taken to ensure the application of the Convention and to establish methods for fixing minimum wages for industries or parts of industries in which there is no collective agreement and particularly for home work.

*Isle of Man.*

The Committee has examined with interest the report furnished by the Government, from which it appears that the provisions of the Convention are being applied. It would, nevertheless, be grateful if the Government would in its next report furnish the information on the practical application of the Convention which is requested under Article 5 of the Convention (number of workers covered, rates of wages fixed).

CONVENTION No. 27 : MARKING OF WEIGHT  
(PACKAGES TRANSPORTED BY VESSELS), 1929

Number of reports requested : 6.

Number of reports received : 6.

No observations.

CONVENTION No. 29 : FORCED LABOUR, 1930

Number of reports requested : 77.

Number of reports received : 75.

Reports not received : 2.

(*France : New Caledonia ; United Kingdom :  
Gambia.*)

*Australia**Papua.*

In 1955 the Committee requested the Government to furnish additional information as to the manner in which the registers of forced labour carried out are kept and as to the measures taken to identify workers who have been required to carry out such forced labour. In its report of this year the Government states that public officials who have recourse to compulsory portage must immediately prepare a complete report and forward it to the official responsible for the administration of the district. While recognising that such measures are likely to reduce to a minimum the utilisation of forced labour by officials, the Committee feels obliged to draw the attention of the Government to the fact that they are not in its view sufficient to ensure the identification of the workers who were previously required to perform forced labour and to prevent such workers from being employed beyond the limits laid down in the regulations to give effect to Article 12, paragraph 1, of the Convention. The Committee therefore feels obliged to ask the Government to adopt the regulations necessary for giving effect to Article 12, paragraph 2, of the Convention under which "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".

*Belgium**Belgian Congo and Ruanda-Urundi.*

In its report for the period 1952-53 the Government indicated that it was studying, with a view to adoption, draft regulations to abolish all unpaid compulsory labour. In subsequent reports the Government states that the draft regulations in question were to come into operation on 1 January 1954, then on 1 January 1955. At the Conference Committee in 1955, a Government representative stated that the text in question would be discussed in the Colonial Council at the beginning of July and would come into operation immediately. In its report for this year the Government also states that the draft regulations have not yet been adopted and that the provisions in question can be expected to come into operation in the near future. The Committee can only express the hope that the draft regulations in question have been adopted since the report was submitted and that the Government will be able to inform the next session of the Conference that all unpaid compulsory labour has been abolished.

*France**Algeria and Overseas Departments.*

The Committee has noted with interest the information furnished by the Government to the Conference Committee in 1955, from which it appears that effect is given to the provisions of Article 2, paragraph 2 (c), and Article 25 of the Convention.

*Cameroons.*

The Committee notes with interest the statement made by a Government representative to the Conference Committee in 1955 that an experiment, which consisted of selecting common law prisoners in order to give them a course of occupational rehabilitation, was undertaken during the construction of the Edea Dam but that this experiment was interrupted because the Government had to respect its international obligations. The Committee feels in this connection that it should refer to the general observation which it made in 1955 with regard to this Convention, in which it indicated in particular "that employment of convicted persons by private individuals or associations does not fall within the scope of the provisions of the Convention where such prisoners *voluntarily* accept such employment. At the same time . . . 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." Thus it appeared to the Committee that the continuation of the experiment of occupational rehabilitation referred to by the Government might not have implied any breach of international obligations on the part of the Government.

*Comoro Islands.*

The Committee would be grateful if the Government would in its next report state whether, in accordance with Article 2, paragraph 2 (c), of the Convention, the 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 the said person is not hired to or placed at the disposal of private individuals, companies or associations.

*Togoland.*

The Committee notes with satisfaction the information furnished by the Government representative to the Conference and confirmed by the report of the Government, that only persons convicted in a court of law may be assigned to forced labour.

*Netherlands**Netherlands New Guinea.*

The Committee notes with satisfaction that, as stated in the report furnished by the Government, no recourse is now had to any of the forms of forced or compulsory labour governed by the Convention. For this reason it would be grateful if the Government would consider renouncing the reservations which, under Article 26 of the Convention, were contained in the declaration appended to the instrument of ratification of the Convention in 1936.

The Committee would also be grateful if the Government would in its next report furnish more detailed information on the application of Article 2, paragraph 2, of the Convention, and in particular subparagraphs (c) and (e). The



Committee would also be pleased to know whether, in accordance with Article 25 of the Convention, the illegal exaction of forced or compulsory labour shall be punishable as a penal offence.

#### *New Zealand*

##### *Tokelau Islands.*

The Committee notes that the Government again states in its report that it proposes to extend the application of the Convention. In view of the fact that at the time when the instrument of ratification of this Convention was deposited in 1938 the Government did not take advantage of Article 26 of the Convention and did not exclude the Tokelau Islands from its ratification, the Committee feels that the Government is bound, under the first sentence of Article 26, to ensure the application of the Convention in the said islands. For this reason, the Committee would be grateful if the Government would indicate what steps it considers it possible to take for the purpose of ensuring the application of the Convention.

#### *United Kingdom*

##### *Bechuanaland.*

In 1955 the Committee expressed the hope that the Government would spare no efforts to ensure the application of the provisions of Article 11 of the Convention and in particular to provide that all workers liable to forced labour undergo a medical examination. The Government states in reply that it is endeavouring to supplement all the medical services of the territory in so far as the funds at its disposal permit. The Committee has examined the information furnished and expresses the hope that the Government will not fail to indicate in its next report what progress has been achieved in this direction.

The Committee would also be grateful if the Government would indicate what steps it has been able to take to give effect to Article 12 of the Convention (maximum period for which any person may be taken for forced or compulsory labour and deliverance of certificate to every person from whom forced labour is exacted) and Article 13 (normal working hours and weekly day of rest).

##### *British Honduras.*

The Committee notes with interest the information contained in the report of the Government that, although no form of forced or compulsory labour exists in the territory, it has been found desirable to adopt legislation to give effect to the Convention, and that at the end of the period under consideration a draft ordinance was under preparation. The Committee would be grateful if the Government would indicate in its next reports the progress achieved in this direction.

##### *Fiji.*

The Committee notes that the Government lists in its report, under Article 2, paragraph 2 (*e*), of the Convention, which relates

to minor communal services, certain services which, in its opinion, come under Articles of the Convention other than Article 2. This is true in particular of the transport of officials of the administration of the Fiji Islands, which ought to be organised in accordance with Article 18 of the Convention. The Committee wishes to draw the attention of the Government to the fact that the minor communal services which are to be undertaken in the direct interest of the community can only come under Article 2, paragraph 2 (*e*), on condition that "the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services".

The Committee would be grateful if the Government would in its next report furnish detailed information on these points, and on the application of each of the Articles of the Convention.

Furthermore, the Committee noted from the information supplied by the Government that chiefs very seldom use forced labour for personal services as provided in Article 7, paragraph 3, of the Convention. Thus it appears to the Committee that this form of forced labour might be suppressed in accordance with Article 1, paragraph 1. It expresses the hope that the Government will study this suggestion.

##### *Guernsey.*

The Committee takes note of the first report furnished by the Government on the application of the Convention. It would, however, be grateful if the Government would indicate in its next report whether, as laid down in Article 2, paragraph 2 (*c*), of the Convention, any work exacted from any person as a consequence of a conviction in a court of law is carried out under the supervision and control of a public authority and the said person is not hired to or placed at the disposal of private individuals, companies or associations. The Committee would also be pleased to know whether, in accordance with Article 25 of the Convention, the legal exaction of forced or compulsory labour shall be punishable as a penal offence.

##### *Jersey.*

The Committee would be glad if the Government would be good enough to supply for this territory the information requested as regards Guernsey.

##### *Kenya.*

The Committee notes that under certain provisions respecting communal services (and in particular the regulations contained in Government Notifications Nos. 891, 937, 988 and 1014), all adults of either sex may be obliged to carry out unpaid work or services for a period of 90 days per calendar year. The Committee wishes to draw the attention of the Government to the fact that these provisions are not in accordance with 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 and compulsory labour", nor with the provisions of Article 12,

paragraph 1, under which "the maximum period for which any person may be taken for forced or compulsory labour of all kinds in any one period of twelve months shall not exceed 60 days". The Committee would be grateful if the Government would indicate what measures it considers it possible to take to bring the regulations in question into conformity with the provisions of the Convention. The Committee would also be grateful if the Government would keep it informed of any amendments affecting the emergency measures taken during recent years.

#### *Federation of Malaya.*

The Committee has examined with interest the report of the Government which reproduces those provisions of the new Labour Code which relate to hours of work. The said provisions, which will repeal the wartime legislation under which forced labour could, in case of necessity, be imposed on workers in industry, follow, as the Government states, the provisions of Article 3 of the Hours of Work (Industry) Convention, 1919 (No. 1). The Committee expresses the hope that the new Labour Code will come into operation in the near future.

#### *Isle of Man.*

The Committee would be glad if the Government would be good enough to supply for this territory the information requested as regards Guernsey.

#### *Seychelles.*

The Government's report states that the provisions of the Ordinance of 1945 under which food-growing work could be made compulsory have been repealed by Ordinance No. 1 of 1955. The Committee notes this information with satisfaction.

#### *Sudan (Voluntary Report).<sup>1</sup>*

The Committee notes with interest the voluntary report submitted by the Sudan Government on the application of the Convention.

#### CONVENTION No. 32 : PROTECTION AGAINST ACCIDENTS (DOCKERS) (REVISED), 1932

Number of reports requested : 3.

Number of reports received : 3.

#### *United Kingdom*

##### *Guernsey.*

The Committee has examined the first report furnished by the Government. It notes that the following provisions of the Convention are only partially applied :

Article 2, paragraph 2, subparagraphs (1) and (3) . . . approaches shall be safely and efficiently lighted . . . ; where any space is left along the

edge of any wharf or quay, it shall be at least 3 feet (90 cm.) wide . . .

Article 5, paragraphs 1 and 2. When the workers have to carry on the processes in a hold . . . there shall be safe means of access. The said means of access shall ordinarily be by ladder, which shall not be deemed to be safe unless it complies with the following conditions : (a) provides a foothold of a depth, including any space behind the ladder, of not less than 4½ inches (11½ cm.) . . .

Article 6, paragraph 1. . . every hatchway of a cargo hold accessible to the workers . . . shall be securely fenced to a height of 3 feet (90 cm.) . . .

Article 9, paragraph 2, subparagraph (6). All motors, cogwheels, chain and friction gearing, etc. . . shall be securely fenced . . .

Article 12. Precautions to ensure the protection of the workers when they have to deal with or work in proximity to goods which are dangerous to life or health . . .

Article 17, subparagraph (3). Copies or summaries of the regulations shall be posted up in prominent positions at docks . . .

The Committee also notes that it appears that no effect has been given to the provisions of Articles 3, 7, 8, 10, 11, 13 of the Convention and would therefore be grateful to have more detailed information on these matters.

Finally, the Committee would be very grateful if the Government in its next report would give detailed information on the practical application of the Convention in addition to the information already requested.

#### *Jersey.*

The Committee has examined the first report furnished by the Government and notes that a Bill respecting the hygiene and safety of workers is at present being studied and that regulations may be issued to ensure the protection of dockers against accidents when the said Bill is adopted. The Committee would be grateful if the Government would indicate in its next report the steps which it has taken to give effect to the provisions of the Convention.

#### CONVENTION No. 33 : MINIMUM AGE (NON-INDUSTRIAL EMPLOYMENT), 1932

Number of reports requested : 10.

Number of reports received : 10.

#### *France*

##### *French Somaliland.*

See under Convention No. 5.

##### *Togoland.*

See under Convention No. 5.

#### CONVENTION No. 35 : OLD-AGE INSURANCE (INDUSTRY, ETC.), 1933

Number of reports requested : 3.

Number of reports received : 3.

<sup>1</sup> The report covered the period from 1 July 1954 to 30 June 1955.

*United Kingdom**Guernsey.*

The Committee took note with interest of the first report. It appears that there are certain differences between the law in force in this territory and the following provisions of the Convention :

Article 4. The national legislation fixes at 70 the age for entitlement to an old-age pension, whereas the Convention provides that the age for entitlement to a pension shall not, in the case of insurance schemes for employed persons, exceed 65.

Article 6. The national legislation provides that every person under 50 years of age who ceases to be liable to compulsory insurance, and does not pay voluntary contributions, loses all right to the contributions credited to his account. The Convention provides that an insured person who ceases to be liable to insurance without being entitled to benefit representing a return for the contributions credited to his account shall retain his rights in respect of these contributions.

Article 11. The national legislation, contrary to the provisions of the Convention, does not recognise any right of appeal by the employed person or his employer in the case of a dispute concerning liability to insurance or the rate of contribution.

The Committees hopes that it will be possible to take the necessary steps in order to eliminate these inconsistencies and that the Government will furnish in its next report detailed information on the steps proposed in this connection.

CONVENTION No. 36 : OLD-AGE INSURANCE  
(AGRICULTURE), 1933

Number of reports requested : 3.

Number of reports received : 3.

*United Kingdom**Guernsey.*

See under Convention No. 35.

CONVENTION No. 37 : INVALIDITY INSURANCE  
(INDUSTRY, ETC.), 1933

Number of reports requested : 3.

Number of reports received : 3.

*United Kingdom**Guernsey.*

The Committee has taken note with interest of the first report supplied by the Government. It notes that the Guernsey Contributory Pensions Law provides for payment of benefit only in case of incapacity attributable to injury by accident, and not in respect of any type of invalidity irrespective of its cause as provided by the Convention. It also notes that a person who ceases to be liable to insurance receives neither a return of contributions credited nor an extension of insurance rights, as provided for

by Article 6, paragraph 1, of the Convention ; and that employed persons and employers do not have the right of appeal in disputes concerning liability to insurance or the rate of contribution, as provided in Article 12, paragraph 3, of the Convention. It would be grateful if the Government would indicate in its next report the measures to be taken to remove these differences between existing Guernsey legislation and the Convention.

CONVENTION No. 38 : INVALIDITY INSURANCE  
(AGRICULTURE), 1933

Number of reports requested : 3.

Number of reports received : 3.

*United Kingdom**Guernsey.*

See under Convention No. 37.

CONVENTION No. 39 : SURVIVORS' INSURANCE  
(INDUSTRY, ETC.), 1933

Number of reports requested : 3.

Number of reports received : 3.

*United Kingdom**Guernsey.*

See, as regards Articles 5 and 14 of the Convention, the observations made under Convention No. 37 respecting Article 6, paragraph 1, and Article 12, paragraph 3.

CONVENTION No. 40 : SURVIVORS' INSURANCE  
(AGRICULTURE), 1933

Number of reports requested : 3.

Number of reports received : 3.

*United Kingdom**Guernsey.*

See under Convention No. 39.

CONVENTION No. 41 : NIGHT WORK (WOMEN)  
(REVISED), 1934

Number of reports requested : 1.

Number of reports received : 1.

*Netherlands**Surinam.*

The report states that night work of women in industry does not take place in Surinam, but that if this should occur in the future the application of the Convention would be taken into consideration and local legislation would be supplemented by the necessary provisions. The Committee draws the attention of the Government to the fact that the Convention prohibits the employment of women at night and hopes that the necessary legislation in this respect will be introduced at an early date.

CONVENTION No. 42 : WORKMEN'S  
COMPENSATION (OCCUPATIONAL DISEASES)  
(REVISED), 1934

Number of reports requested : 9.

Number of reports received : 9.

*France*

*Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).*

The Committee would be grateful if the Government would, in its next report, furnish for these territories the information respecting the Convention requested as regards metropolitan France.

*Netherlands*

*Surinam.*

The Committee notes that the report of the Government merely indicates that the Industrial Accident Regulations take account of the provisions of the Convention. However, from the examination of sections 24 and 25 of these regulations, it appears that the list of diseases and poisonings and the list of trades, industries or processes in which such diseases may occur does not correspond to the diseases and trades, etc., listed in the Convention.

The Committee would therefore be grateful if the Government would be good enough to include in its next report more detailed information on the manner in which the Convention is applied and, if necessary, to indicate what measures are contemplated to ensure its full application.

*United Kingdom*

*Guernsey.*

The Committee notes that the report of the Government states that the law on pensions guarantees benefit to persons suffering from employment injuries but that persons suffering from occupational diseases are not entitled to such compensation, and that the Government, after considering the report of the actuarial department of the British Government, has decided to take no decision on the revision of the legislation until after the next elections, which will take place in 1958.

The Committee expresses the hope that no effort will be spared in adopting legislation in the near future to ensure the application of the Convention.

*Jersey.*

The Committee took note of the statement in the Government's report that there is no heavy industry in Jersey and that as a result it has not been found necessary to make a specific provision for the payment of benefit to persons suffering from occupational diseases.

The Committee ventures to point out that the provisions of the Convention apply to all types of occupation and that cases of occupational diseases may occur not only in heavy industry but also in handicraft work and in

small undertakings. It would therefore be grateful if the Government would be good enough to indicate in its next report what legislative measures are contemplated to ensure the application of this Convention.

CONVENTION No. 43 : SHEET-GLASS WORKS,  
1934

Number of reports requested : 3.

Number of reports received : 3.

No observations.

CONVENTION No. 44 : UNEMPLOYMENT  
PROVISION, 1934

Number of reports requested : 3.

Number of reports received : 3.

*United Kingdom*

*Guernsey.*

The Committee notes from the first report that on 15 December 1954 it was decided not to proceed with the National Insurance Scheme, but that a certain amount of relief work or public assistance is provided to unemployed persons. The Committee ventures to point out that such services cannot be considered as benefits or allowances provided out of an insurance scheme as envisaged in Article 1 of the Convention, and would be glad to know what measures are contemplated to introduce a scheme, on the lines of that provided for in the Convention, to ensure benefits or allowances to involuntarily unemployed persons.

*Jersey.*

The Government states that there is no legislation in force in Jersey providing for benefit for the involuntarily unemployed and it considers that the number of unemployed persons in Jersey is at no time sufficient to warrant the introduction of complex legislation designed to provide large-scale unemployment benefit. The Committee also notes from the report that at present only work or relief in cash or kind is provided to unemployed persons in case of genuine need. It ventures to point out that such services cannot be considered as benefits or allowances provided out of an insurance scheme, as envisaged in Article 1 of the Convention, and it would be glad to know whether any measures are contemplated to introduce a scheme on the lines of that provided for in the Convention, to ensure benefits or allowances to involuntarily unemployed persons.

CONVENTION No. 45 : UNDERGROUND WORK  
(WOMEN), 1935

Number of reports requested : 7.

Number of reports received : 7.

No observations.

CONVENTION No. 50 : RECRUITING OF  
INDIGENOUS WORKERS, 1936

Number of reports requested : 40.

Number of reports received : 39.

Reports not received : 1.

(*United Kingdom : Gambia.*)

*Belgium**Belgian Congo and Ruanda-Urundi.*

The Committee has examined with interest the detailed report furnished by the Government from which it appears that the legislation which came into force recently is in general conformity with the provisions of the Convention. It would seem nevertheless that the scope of the legislation does not coincide exactly with that of the Convention. Indeed, under section 1 of the Royal Order of 19 July 1954, contracts entered into by an indigenous worker with an employer who is not "liable to a personal tax other than the Native tax" are not covered by the legislation. As the provisions of the Convention do not provide for any exceptions of this nature, the Committee would be grateful if the Government would indicate in its next report what steps it proposes to take to bring the provisions of the legislation into full conformity with those of the Convention.

*United Kingdom**Brunei.*

The Committee noted with satisfaction that considerable progress has been made as regards the application of the Convention, as a result of the adoption of the new Labour Code, which gives effect to the majority of the provisions of the Convention. However, the Committee would be grateful if in its next report the Government would be good enough to supply additional information as regards the following points :

Article 6 of the Convention. According to the terms of this Article "Non-adult persons shall not be recruited : Provided that the competent authority may permit non-adults above a prescribed age to be recruited with the consent of their parents . . .". Under section 47 of the Labour Code, however, persons under 16 years of age may be recruited with the consent of their parents, but the Code does not fix—as provided for in the Convention—a minimum age at which the recruitment of these non-adults may be authorised.

Article 7. The report refers to section 55, paragraph 1 (*b*), of the Labour Code, according to which the Resident is responsible for giving effect to the provisions of the Convention and, in particular, may require a financial guarantee from persons who apply for licences. The Committee would be grateful if the Government would be good enough to indicate how effect is given to paragraph 1 of Article 7 of the Convention, according to which the recruiting of the head of a family shall not be deemed to involve the recruiting of any member of his

family ; to paragraph 3 of the Article, which lays down that, except at the express request of the persons concerned, recruited workers shall not be separated from wives and minor children who have been authorised to accompany them to, and to remain with them at, the place of employment ; and to paragraph 4 of the Article, according to which, in default of agreement to the contrary before the departure of the worker from the place of recruiting, an authorisation to accompany a worker shall be deemed to be an authorisation to remain with him for the full duration of his term of service.

Finally, the Committee would be grateful if the Government would be good enough to supply details regarding the steps taken to ensure the application of Article 4 ; Article 13, paragraph 3 ; Article 14 ; Article 15, paragraphs 2, 3 and 4 ; Article 16 ; and Articles 18 to 23.

*North Borneo.*

The Committee would be grateful if the Government would indicate in its next report in what manner effect has been given to Articles 18 to 24 of the Convention.

*Uganda.*

In 1955 the Committee had requested the Government to state whether there are any legislative or other provisions prohibiting officials from recruiting for private undertakings, as laid down in Article 9 of the Convention. According to the statement of a Government representative in the Conference Committee in 1955, although there is no legislative provision to this effect the application of this Article is ensured by means of administrative instructions, any breach of which would render the official liable to disciplinary measures. In the present report the Government states, moreover, that all recruiting is under the control of the Labour Department. The Committee took note of this information.

CONVENTION No. 53 : OFFICERS' COMPETENCY  
CERTIFICATES, 1936

Number of reports requested : 11.

Number of reports received : 5.

Reports not received : 6.

(*United States : Alaska, American Samoa, Guam, Hawaii, Puerto Rico, Virgin Islands.*)

*France**Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).*

The Committee noted that the Government stated that the legislation of metropolitan France covering the Conventions relating to seafarers is applicable *de facto* in Overseas Departments.

The Committee would be grateful if the Government would be good enough to give more detailed information on the exact legal situation in regard to this legislation and to state what

legal measures, if any, have been taken to extend the metropolitan legislation to these territories.

CONVENTION No. 55 : SHIPOWNERS' LIABILITY  
(SICK AND INJURED SEAMEN), 1936

Number of reports requested : 10.

Number of reports received : 4.

Reports not received : 6.

(United States : Alaska, American Samoa,  
Guam, Hawaii, Puerto Rico, Virgin  
Islands.)

*France*

*Overseas Departments (French Guiana, Guade-  
loupe, Martinique, Réunion).*

See under Convention No. 53.

CONVENTION No. 56 : SICKNESS INSURANCE  
(SEA), 1936

Number of reports requested : 7.

Number of reports received : 7.

*France*

*Overseas Departments (French Guiana, Guade-  
loupe, Martinique, Réunion).*

See under Convention No. 53.

*United Kingdom*

*Guernsey.*

The Committee has taken note with interest of the first report supplied. The following discrepancies appear to exist between the legislation in force in the territory and certain provisions of the Convention :

Article 2. The Guernsey Contributory Pensions Law provides for payment of cash benefits only for incapacity attributable to injury by accident and not in respect of incapacity by reason of any "sickness" as provided in Article 2 of the Convention.

Article 3. The provision of free medical treatment is mandatory only as regards the first attendance by a doctor and is discretionary with the Insurance Authority thereafter, instead of being provided at least throughout the cash-benefit period as stipulated by Article 3 of the Convention.

Article 5. The legislation in Guernsey does not provide for the payment of maternity benefits.

The Committee would be grateful if the Government would indicate in its next report what measures are contemplated to remove these differences between present Guernsey legislation and the Convention.

*Jersey.*

See, as regards Article 3 of this Convention, the observation made under Convention No. 24 respecting Article 4.

CONVENTION No. 58 : MINIMUM AGE (SEA)  
(REVISED), 1936

Number of reports requested : 10.

Number of reports received : 4.

Reports not received : 6.

(United States : Alaska, American Samoa,  
Guam, Hawaii, Puerto Rico, Virgin  
Islands.)

*France*

*Overseas Departments (French Guiana, Guade-  
loupe, Martinique, Réunion).*

See under Convention No. 53.

CONVENTION No. 62 : SAFETY PROVISIONS  
(BUILDING), 1937

Number of reports requested : 5.

Number of reports received : 4.

Reports not received : 1.

(Netherlands : Surinam.)

*France*

*Overseas Departments (French Guiana, Guade-  
loupe, Martinique, Réunion).*

The Committee notes from the Government's report that the metropolitan regulations concerning safety provisions in the building industry were made applicable to the Overseas Departments by Decree No. 48-592 of 30 March 1948. In these circumstances, the Committee ventures to recall its previous observations in 1953 and 1954 concerning certain requirements of the Convention which do not appear to be fully covered by these regulations :

Article 7, paragraphs 1, 2, 3 (c) and 5 to 8 : use of scaffolds.

Article 8, paragraph 1 (a) and (b) : construction of platforms, gangways and stairways.

Article 9, paragraph 2 : precautions to be taken to prevent falls from a roof.

Article 10, paragraphs 1 and 5 : safe access to working places and stacking of materials.

Article 13, paragraph 2 : control of hoisting machinery.

Article 16 : personal safety equipment.

The Committee would be glad to be kept informed in future reports of the measures taken to give full effect to the above-mentioned provisions of the Convention in the territories.

CONVENTION No. 63 : STATISTICS OF WAGES  
AND HOURS OF WORK, 1938

Number of reports requested : 3.

Number of reports received : 3.

*United Kingdom*

*Guernsey.*

The Committee notes the statement in the report that, in view of the limited industrial

development of the territory, statistics in the form envisaged by the Convention are not compiled. It hopes that it will be possible to compile in due course statistics of average earnings, of hours actually worked and of time rates of wages and normal hours of work in such manufacturing industries as exist, including building and construction, together with statistics of wages and, so far as practicable, normal hours of work in agriculture.

The Committee would be glad if the Government would indicate in its next report what progress is being made towards compiling and publishing the above statistics, in compliance with the provisions of the Convention.

#### *Jersey.*

The Committee notes the statement in the report that Jersey is not an industrial community and that the Convention is therefore applicable only to agriculture, but that the relevant statistics are not compiled.

The Committee ventures to point out that the Convention requires the compilation not only of statistics of wages in agriculture but also of statistics of average earnings and actual hours worked, as well as of time rates of wages and normal hours of work in the building and construction industry in the island and in any manufacturing industries which may exist (Articles 13 to 21), together with the publication of such data at the intervals and in the form laid down in Article 1 of the Convention.

The Committee would be glad if the Government would indicate in its next report what progress is being made in this direction.

#### *Isle of Man.*

The Committee notes that statutory authority to collect statistics relating to agriculture exists but that no statistics relating to wages and hours of work in either agriculture or industry are in fact compiled or published.

In these circumstances the Committee would appreciate it if information could be given in its next report on the progress made towards compiling and publishing the statistics provided for in Parts II, III and IV of the Convention.

#### CONVENTION NO. 64 : CONTRACTS OF EMPLOYMENT (INDIGENOUS WORKERS), 1939

Number of reports requested : 42.

Number of reports received : 41.

Reports not received : 1.

(*United Kingdom : Gambia.*)

#### *Belgium*

##### *Belgian Congo and Ruanda-Urundi.*

The Committee has examined the detailed report furnished by the Government on the application of the Convention; it notes with satisfaction that considerable progress has been achieved by the adoption of the new legislation. It would nevertheless be grateful if the Government would furnish in its next report additional information on the following matters :

(a) Under Article 6, paragraph 1, of the Convention, every contract shall be presented for attestation to a public officer duly accredited for this purpose and, under Article 3, paragraph 1 (a), every contract shall be made in writing where it is made for a period of *or exceeding* six months. Under article 65 of the Royal Order of 19 July 1954, however, the employer is only required to submit for attestation by the competent authority a contract for a period *exceeding six months*. The Committee would be grateful if the Government would indicate which measures it has in view to bring its legislation into full conformity with this provision of the Convention.

(b) Under Article 6, paragraph 3, of the Convention a contract which the public officer has refused to attest shall have no further validity; under paragraph 4 of the same Article a contract which has not been presented for attestation shall not be enforceable except during the maximum period permissible for contracts not made in writing; and finally, paragraph 5 of the Article provides that if the omission to present the contract for attestation was due to the wilful act or the negligence of the employer, the worker shall be entitled to apply to the competent authority for the cancellation of the contract and, in appropriate cases, to sue for damages. It appears to the Committee that the legislation contains no provision giving effect to these three paragraphs of Article 6 of the Convention. On the contrary, section 62 of the Royal Order reads : "The content of a contract of employment may be proved by any legally accepted form of evidence, including the testimony of witnesses." The Committee would be grateful if the Government would indicate what steps it proposes to take to bring its legislation into conformity with the aforesaid provisions of the Convention.

(c) The Committee would be grateful if the Government would indicate which provisions give effect to Article 13, paragraph 5, of the Convention, which reads : "If the employer fails to fulfil his obligations in respect of repatriation, the said obligations shall be discharged by the competent authority."

(d) Finally, the Committee would be grateful if the Government would indicate what steps are being taken to give effect to the various provisions of the Convention which lay down that a competent authority shall ensure that the worker has not been subjected to coercion or undue influence, etc. (Article 6, paragraph 2 (a), Article 10, paragraph 2 (a) and Article 12, paragraph 2 (b) (i)).

#### *United Kingdom*

##### *Basutoland.*

The Committee notes that no provision has been made for giving effect to paragraphs 1 to 3 of Article 12 respecting, *inter alia*, the right to repatriation, to compensation in respect of accident or disease and, in the event of termination of the contract, to wages previously earned. It would be grateful if the Government would indicate in its next report what

steps it proposes to take to give effect to these provisions of the Convention.

#### *Bechuanaland.*

The Committee would be grateful if the Government would in its next report furnish the same information as that which it requested for Basutoland.

#### *Brunei.*

The Committee has examined with interest the new Labour Code, the provisions of which are analysed in the report of the Government and which gives effect to the Convention. It would nevertheless be grateful if the Government would indicate in its next report in what manner effect has been given to Article 3, paragraph 4, of the Convention, which reads: "If the omission to make the contract in writing was due to the wilful act or the negligence of the employer, the worker shall be entitled to apply to the competent authority for the cancellation of the contract and, in appropriate cases, to sue for damages", and to Article 4 of the Convention, which reads: "1. No contract shall be deemed to be binding on the family or dependants of the worker unless it contains an express provision to that effect; 2. The employer shall be responsible for the performance of any contract made by any person acting on his behalf."

#### *Gilbert and Ellice Islands.*

The Committee thanks the Government which, in accordance with the request made by the Committee in 1955, has sent a detailed report on the application of the Convention.

#### *Gold Coast.*

The Committee thanks the Government for the detailed report which it has submitted in reply to the request made by the Committee in 1955, from which it appears that the legislation is in conformity with the provisions of the Convention.

#### *Seychelles.*

The Committee took note of the detailed information sent by the Government in reply to the observation made by the Committee in 1955. As regards the application of Articles 3 (paragraphs 3 and 4), 4 and 12 of the Convention, the Government states that at the present stage of development of the territory it is not deemed necessary to give effect to the said provisions. The Committee would be grateful if the Government would furnish detailed information on the local conditions which, in its opinion, justify the non-application of the provisions of the Convention, which has been declared applicable to this territory without modification.

#### *Sierra Leone.*

The Committee notes that the Government states in its last report that owing to staffing difficulties and preoccupation with other pressing matters it has not yet been possible to complete the drafting of the new ordinance which would bring the law into conformity with the Convention. The Committee expresses

the hope that the ordinance in question will be adopted in the present year, as stated by the Government itself in the report.

#### *Singapore.*

The Committee has examined with interest the information furnished by the Government representative at the Conference in 1955, which information has been confirmed in the Government's report.

#### *Uganda.*

The Committee has examined with interest the information furnished by the Government in reply to the observation made by it in 1955.

### CONVENTION No. 65: PENAL SANCTIONS (INDIGENOUS WORKERS), 1939

Number of reports requested: 45.

Number of reports received: 44.

Reports not received: 1.

(United Kingdom: Gambia.)

#### *United Kingdom*

#### *Basutoland.*

In 1955 the Committee had drawn the attention of the Government to the fact that the Convention does not cover sanctions imposed on persons responsible for breaking a common law. In its present report the Government states that the application of the Convention is being studied in the light of this comment and in connection with the recommendation contained in the report on penal sanctions examined by the Conference at its 38th Session. The Committee took note with interest of this statement.

On the other hand, the Government indicates that the law and practice in Basutoland are the same as in Bechuanaland. In view of the observation made with regard to this territory the Committee is of the opinion that it is not possible to consider that the Convention is fully applied in Basutoland: the law in force in Basutoland allows the imposition of a penal sanction on a non-adult person who might have been authorised to pass a contract by the Resident Commissioner. This provision does not seem to be in conformity with Article 2, paragraph 2, of the Convention according to which all penal sanctions must be abolished immediately as regards non-adults. As it seems to result from the information supplied by the Government that the Resident Commissioner never authorises non-adults to pass a contract, it appeared to the Committee that the Government will be in a position to repeal the above-mentioned provisions and thus put the legislation into harmony with the provisions of the Convention.

#### *Bechuanaland.*

In 1955 the Committee had requested the Government to indicate whether the penal sanctions provided for in the legislation in force were applicable to non-adult persons. In its present report the Government states that



penal sanctions may only be applied to persons who are under a contract of employment. It underlines that in principle, according to section 27 of Cap. 64 of the Laws, a non-adult person shall not be capable of entering into contracts, provided that the Resident Commissioner may permit a non-adult to enter into a contract with the consent of his parents. The Government adds, however, that in practice this provision has not been invoked and since no non-adult person is authorised to enter into a contract the penal sanction is not applicable to them.

The Committee noted with satisfaction that, according to the information supplied by the Government, no non-adult person is in fact affected by penal sanctions. However, as the legislation in force allows the imposition of penal sanctions to a non-adult person who might have been authorised to pass a contract, it appeared to the Committee that these provisions were not in conformity with Article 2, paragraph 2, of the Convention, according to which all penal sanctions must be abolished immediately as regards non-adults. As it seems to result from the information supplied by the Government that in fact the Resident Commissioner never authorises non-adults to pass a contract it appeared to the Committee that the Government will be in a position to repeal the above-mentioned provisions and thus put the legislation into harmony with the provisions of the Convention.

#### *British Honduras.*

The Committee would be grateful if the Government would indicate in its next report whether the penalties provided for in Ordinance No. 6 of 1943 are applicable to non-adults.

#### *Kenya.*

The Committee noted with satisfaction that the penal sanction which was laid down in section 27, 2 (b), of the Resident Labourers Ordinance was abolished by an ordinance in 1955. It expresses the hope that the Government will be able, as stated in the report covering the 1953-54 period, to remove the remaining penal sanctions and particularly those provided by section 64, 1 (b) and (d) and section 67, (1), of the Employment Ordinance.

#### *Federation of Malaya.*

In 1955 the Committee had expressed the hope that the Government would soon be in a position to abolish the provision of section 490 of the Penal Code (Chapter 45) which, according to the Government's report, is the only penal sanction still imposed in case of breach of the contract of employment. The report for this year does not contain any information on this matter. The Committee would be glad if the Government would be good enough to state what progress had been achieved with a view to repealing this provision which, according to a previous report, is no longer used.

#### *Sierra Leone.*

The Government's report states that every effort will be made to abolish all penal sanctions

for breach of employment contract and that this question will be treated as a matter of urgency during the year. The Committee notes this with satisfaction and expresses the hope that the Government will be in a position in the near future to state that all penal sanctions have been abolished.

#### *Swaziland.*

Referring to the indications given in the chart appended to the report of the Committee in 1955 (Appendix V), the Government indicates that it is not possible to consider that the Convention is not applied in Swaziland as the number of workers to which penal sanctions are applicable was reduced by raising the minimum age from 16 to 18 years. The Committee would be glad, in order to be in a position to appreciate to what extent effect is given to the provisions of the Convention in Swaziland, if the Government would be good enough to supply in its next report supplementary information on the two following points :

(a) Section 31 of Proclamation No. 45 of 1954 provides that the Resident Commissioner may authorise a non-adult person, e.g. a person under 18 years of age, to enter into a contract. Does the legislation in force permit the imposition of penal sanctions to a non-adult who may enter into such a contract?

(b) What are the penal sanctions which according to the legislation in force may be imposed for breaches of contract of employment?

#### *Uganda.*

The Committee noted with satisfaction that section 61, 1 (d), of the Employment Ordinance, which provided for a penal sanction, was repealed by Ordinance No. 9 of 1955.

#### CONVENTION No. 69 : CERTIFICATION OF SHIPS' COOKS, 1946

Number of reports requested : 8.

Number of reports received : 8.

#### *France*

*Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).*

See under Convention No. 53.

#### *Netherlands*

#### *Netherlands Antilles.*

The report submitted by the Government on the application of this Convention states that there are no legislative provisions or regulations respecting the certification of ships' cooks.

The Committee would be grateful if the Government would indicate in its next report what steps are contemplated to ensure the application of the provisions of the Convention in the territory.

CONVENTION No. 74 : CERTIFICATION  
OF ABLE SEAMEN, 1946

Number of reports requested : 5.

Number of reports received : 5.

*France*

*Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).*

See under Convention No. 53.

*Netherlands*

*Netherlands Antilles.*

The Committee has examined the information furnished by the Government in its first report, from which it appears that there are no legislative provisions or regulations giving effect to the Convention.

In view of this, and as the provisions of the Convention were accepted without modifications on behalf of the Netherlands Antilles, the Committee hopes that the Government will indicate in its next report what steps are contemplated to give effect to the various provisions of the Convention.

CONVENTION No. 81 : LABOUR INSPECTION, 1947

Number of reports requested : 9.

Number of reports received : 9.

*France*

*French Guiana.*

The Committee notes the statement in the report that the labour inspection service in Guiana functions in the same way as in metropolitan France. The Committee would be glad, however, if the Government would indicate in its next report how effect is given in the territory to the various provisions of the Convention and if it would, in particular, supply the annual general report on the work of the inspection services provided for in Articles 20 and 21 of the Convention.

*Guadeloupe.*

See under French Guiana.

*Martinique.*

The Committee notes the statement in the report that the legislation in force in metropolitan France as concerns labour inspection also applies to Martinique. In these circumstances the Committee would be glad if the Government would include in its next report information on the effect given in the territory to the following provisions of the Convention :

Article 5. Promotion of co-operation between the inspection services and other public and private institutions and organisations.

Article 14. Notification not only of industrial accidents but also of cases of occupational diseases to the labour inspectorate.

Articles 20 and 21. Publication of an annual general report on the work of the inspection services.

The Committee notes, as regards Article 11 of the Convention, that the transport facilities placed at the disposal of the inspectors are not always sufficient to enable them to visit industrial undertakings in the more remote parts of the island. The Committee hopes that these material difficulties will be overcome in due course.

*Réunion.*

The Committee notes that the Government's report covers only Articles 1 to 11 of the Convention and would be glad if detailed information on the effect given to the remaining articles could be supplied in the next report. The Committee would be grateful in particular if the Government would indicate whether the annual general report on the work of the inspection services has been published in accordance with Articles 20 and 21 of the Convention.

*Netherlands*

*Netherlands Antilles.*

The Committee wishes to thank the Government for the information supplied, from which it appears that the Labour Inspectorate began to function in January 1955. It would be grateful if the Government would be good enough to indicate in its next report by what legislative or other means effect is given to the following provisions of the Convention :

Article 3. Functions of the system of labour inspection.

Article 9. Association of duly qualified technical experts and specialists in the work of inspection.

Article 12, paragraph 1 (c) and Article 13. Powers of labour inspectors.

Article 14. Obligation to inform the labour inspectorate of industrial accidents and cases of occupational disease.

Article 15 (a). Interest of labour inspectors in the undertakings under their supervision.

Articles 20 and 21. Publication of an annual general report on the work of the inspection service.

The Committee would also be grateful if the Government would include with its next report the text of the Safety Decree of 1942, to which reference is made in the report.

*Surinam.*

The Committee took note of the information supplied in the report which, however, was not sufficient to provide a full picture of the effect given to the Convention. The Committee would appreciate it, therefore, if the Government would in its next report be good enough to supply the legislative texts applying the Convention and would indicate, in particular, what measures have been taken, in organising the

work of the inspection service, to give effect to Articles 8, 10 and 11 of the Convention. The Committee would also be interested to know what legislative provisions govern the powers and obligations of labour inspectors as laid down in Articles 12 to 15.

Finally, the Committee would appreciate it if the Government could append to its next report the annual general report on the work of the inspection services, published in accordance with Articles 20 and 21 of the Convention.

#### *United Kingdom*

##### *Guernsey.*

The Committee thanks the Government for the information supplied in the first report on the application of the Convention. It would be glad if the Government would include in its next report additional information on the following points :

(1) What are the status and conditions of service of the inspection staff? (Article 6 of the Convention.)

(2) Are women eligible for appointment to the inspection staff? (Article 8.)

(3) Are the services of technical experts and specialists available to the inspectorate? (Article 9.)

(4) Is it intended to adopt legislation on the inspectors' code of conduct? (Article 15.)

(5) Is it intended to publish an annual general report on the work of the inspection service? (Articles 20 and 21.)

##### *Jersey.*

The Committee notes from the report that it has not been found necessary, up to now, to introduce any machinery for the inspection of the light industries existing in Jersey, but that draft legislation respecting health and safety is under consideration and that the Bill in question will, if approved, authorise the appointment of labour inspectors.

The Committee expresses the hope that this inspectorate will be organised in conformity with the Convention and that the Government's next report will contain information on the progress achieved.

##### *Isle of Man.*

The Committee thanks the Government for its comprehensive report on the application of the Convention, which shows that substantial effect is given to it in the Isle of Man. No legislative provisions appear to exist, however, which empower labour inspectors to enforce the posting of notices and to take samples of materials and substances for purposes of analysis (Article 12, paragraph 1 (c) (iii) and (iv) of the Convention), nor does the inspectors' code of conduct (Article 15) appear to be laid down in the legislation. The Committee would be glad if the Government's next report would indicate whether provisions to this effect are to be introduced into the relevant legislation.

The Committee notes with interest that an annual report on the work of the inspection

service is to be laid before the legislature and will be forwarded to the I.L.O., thus giving effect to Articles 20 and 21 of the Convention.

#### CONVENTION No. 84 : RIGHT OF ASSOCIATION (NON-METROPOLITAN TERRITORIES) 1947

Number of reports requested : 42.

Number of reports received : 40.

Reports not received : 2.

(*United Kingdom: Gambia, Southern Rhodesia.*)

#### *Italy*

##### *Trust Territory of Somaliland.*

In reply to the observation made by the Committee in 1955 the Government indicates that no trade union has been suspended or dissolved by administrative order. The Government indicates further that as soon as the Court of Justice which is about to be set up begins to function, all administrative decisions may be brought before this Court, including in particular any decisions which might be taken as regards the suspension or dissolution of an organisation. The Committee took note of this information with interest and would be grateful if the Government would be good enough to indicate (a) when the new Court of Justice begins to function; (b) what legislative or other provisions confer upon this Court of Justice the power to set aside administrative decisions, and in particular decisions concerning suspension or dissolution of trade union organisations.

#### *United Kingdom*

*General Observation.* In 1955 the Committee had drawn the Government's attention to the following points :

(1) It had noted that in certain territories the term "workman" might be defined as excluding certain categories of workers and in particular agricultural workers. It notes with interest that according to the statement of the Government representative in the Conference Committee in 1955 this definition in no way excludes the possibility of forming agricultural trade unions.

(2) The Committee had also noted that in certain territories the newly constituted trade union could be refused registration if a trade union sufficiently representative of the trade concerned was already in existence, and it had requested details regarding the practical application of any provisions of this character. The Committee would be grateful if the Government would be good enough to supply such information as regards North Borneo, Sarawak and Sierra Leone.

(3) Finally, the Committee had noted that in certain territories appeals against a decision 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 express provisions should be made for such appeals, to come before the Supreme Court, as is the case in the great majority of territories. The Committee would be grateful if the Government would be good enough to indicate whether it contemplates giving effect to this suggestion, in particular in the case of Hong Kong, Jamaica, Kenya, Sarawak, Sierra Leone and Singapore.

#### *Fiji.*

The Committee took note of the statement in the report that the various points mentioned in its observation made in 1955 are at present being investigated. It hopes that the next report will contain the information requested.

#### *Gold Coast.*

The Committee noted that section 17 of the Trade Unions Ordinance No. 13 of 1941 provides that "no person except a native authority shall be eligible for membership of a trade union unless he is a bona fide master or workman in the trade, craft or industry in respect of which the trade union is established". The Committee would be grateful if the Government would be good enough to supply additional information on the practical application of this section.

#### *Southern Rhodesia.*

The Committee noted with regret that for the second year running no report has been supplied on the application of the Convention in this territory, and hopes to receive a report for the next period.

#### CONVENTION No. 86 : CONTRACTS OF EMPLOYMENT (INDIGENOUS WORKERS) 1947

Number of reports requested : 31.

Number of reports received : 30.

Reports not received : 1.

(*United Kingdom : Gambia.*)

#### *United Kingdom*

*General Observation.* The Committee would be grateful if the Government would be good enough to supply in its next reports the information requested in the observation made in 1955, relating in particular to concerted arrangements for the engagement of workers for long periods.

#### CONVENTION No. 87 : FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE, 1948

Number of reports requested : 21.

Number of reports received : 21.

#### *Netherlands*

#### *Netherlands Antilles.*

The Committee would be glad if the Government would be good enough to supply in its

next report supplementary information on the following points :

(1) What are the rules governing the right of association of foreigners?

(2) What are the rules governing the probation by the Government of the constitution of a union?

(3) How are industrial organisations dissolved or suspended and what are the provisions applicable in the matter?

#### *Surinam.*

The Committee would be glad if the Government would be good enough to supply in its next report more detailed information on the application of each of the Articles of the Convention. As regards Article 2, according to which workers and employers, without distinction whatsoever, shall have the right to establish or join a union, it appears from the information supplied by the Government that citizens only enjoy the right to organise; the Committee would be glad to have more information on this point.

#### *Netherlands New Guinea.*

The Committee would be grateful if the Government would be good enough to supply in its next report, in accordance with the form of report approved by the Governing Body, detailed information on the application of the various Articles of the Convention, the provisions of which the Government undertook, by a formal declaration, to apply in this territory.

#### CONVENTION No. 88 : EMPLOYMENT SERVICE, 1948

Number of reports requested : 5.

Number of reports received : 5.

#### *Netherlands*

#### *Netherlands Antilles.*

The Committee takes note of the information furnished by the Government, from which it appears that Articles 1, 2, 3 and 6 (a) of the Convention are being applied. As the information supplied does not make clear to what extent Articles 5, 6 (b) and (c), 9, 10 and 11 of the Convention are being applied, the Committee would be grateful if the Government would in its next report furnish more detailed information on the application of these Articles. Moreover, the Committee would be grateful to receive information on the steps taken to ensure the application of Article 4 (setting up of advisory committees composed of representatives of employers and workers), Article 7 (specialisation of placement activities by industries, occupations or categories of applicants for employment), and Article 8 (special arrangements for juveniles).

#### *Surinam.*

The Committee notes that, despite the absence of legislation on the matter, the report

on the Unemployment Convention, 1919 (No. 2) shows that Articles 1, 6 (a), 7 (a) and 11 of this Convention are being applied. The Committee would be grateful if the Government would, in its next report, furnish additional information on Articles 2, 3, 5, 6 (b) and (e), 7, (b) 8, 9 and 10 of the Convention. Moreover, the Committee would be glad to receive further information on the proposed setting up of an advisory committee ("control body") composed of representatives of employers and workers, and on the functions which such committee will have after it has been set up.

#### *United Kingdom*

##### *Guernsey.*

The Committee thanks the Government for the information supplied in its first report and would appreciate it if in its next report the Government would supply additional information as indicated below.

Articles 1 and 2 of the Convention. Are the duties of the employment service defined in any official document and, if so, what is that document?

Articles 4 and 5. What is the procedure adopted to appoint representatives of employers and workers on the subcommittees dealing respectively with apprenticeship and juvenile employment? Since the regulations of the States Labour and Welfare Committee make no provision for the appointment, as such, of representatives of employers and workers, how is their collaboration ensured in the working and policy of the employment service outside the fields of apprenticeship and juvenile employment?

Article 6. More detailed information is requested on the action taken to give effect to the various points included in this Article.

Article 8. More detailed information is requested on the arrangements adopted to provide juveniles with special employment and vocational guidance services.

Article 9. Information is requested on the conditions of service and recruitment of Civil Service officials and regarding arrangements for the training of the staff of the employment service.

Article 10. Why are formal arrangements to give effect to this Article not thought necessary?

##### *Jersey.*

The Committee takes note with interest of the information furnished by the Government in its first report and recognises that the employment service in the territory need not be on the scale stipulated by the Convention.

The Committee notes, however, that there exists no advisory committee composed of representatives of employers and workers, as provided for in Articles 4 and 5 of the Convention, and would be pleased to know whether it is intended to set up such committees for the purpose of ensuring the co-operation of representatives of employers and workers in the organisation and operation of the employment

service and in the development of employment service policy.

Finally, the Committee would be grateful if the Government would in its next report furnish additional information on the other Articles of the Convention and, in particular, respecting Article 6 (a) (i) and (iii), (b) (iv), and (d), and Articles 9 and 11.

##### *Isle of Man.*

The Committee thanks the Government for the information supplied in the report, from which it appears that substantial effect is given to the Convention. The Committee would, however be, grateful if the Government would furnish in its next report additional information upon the following points :

Article 6 (c) of the Convention. Is the information on the situation of the employment market systematically and promptly compiled and is it made available to public authorities, employers' and workers' organisations and the general public?

Article 8. Is any special provision made for the placement of juveniles?

Article 9, paragraph 4. Is there any staff training programme in the employment service?

#### CONVENTION No. 89 : NIGHT WORK (WOMEN) (REVISED), 1948

Number of reports requested : 6.

Number of reports received : 6.

#### *Belgium*

##### *Belgian Congo and Ruanda-Urundi.*

The Committee notes with interest that the Ministry of the Colonies has issued a draft decree respecting hours of work which bears on the principle of the prohibition of night work for women and children, and that the employers' and workers' organisations have been consulted in the preparation of the decree. The Committee would be grateful if the Government would indicate in its next report whether the aforementioned decree has been issued.

#### *France*

##### *Algeria and Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).*

As regards Article 5 of the Convention the Committee would be grateful if the Government would be good enough to supply, for these territories, the information requested on the application in France of Convention No. 89.

#### CONVENTION No. 92 : ACCOMMODATION OF CREWS (REVISED), 1949

Number of reports requested : 4.

Number of reports received : 4.

#### *France*

##### *Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).*

See under Convention No. 53.

CONVENTION No. 94: LABOUR CLAUSES  
(PUBLIC CONTRACTS), 1949

Number of reports requested : 9.

Number of reports received : 9.

*France*

*Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).*

The Committee notes that in metropolitan France three decrees of 12 February 1955 lay down that out-workers carrying out work under public contracts should enjoy certain guarantees as to wages, and contain provisions relating to the supervision by the Labour Inspectorate of the wages paid to workers employed under public contracts, the Committee would be grateful if the Government would indicate in its next report whether these decrees are to be extended to the above departments.

The Committee would also be glad if the Government would include in its next report the information on the practical application of the Convention requested under Points IV and V of the report form, together with specimen copies of the notice and forms of records mentioned in Article 4 of the Convention.

*Netherlands*

*Netherlands Antilles.*

The Committee notes that, as indicated in the Government's report, the general labour regulations apply without exception to the execution of public works.

In this connection the Committee refers to the General Observation on this Convention (Appendix I B), and hopes that the necessary steps will be taken for the insertion in public contracts of labour 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 also hopes that account will be taken in adopting these measures of the other provisions of the Convention including in particular the definition and scope of public contracts (Article 1, paragraphs 1, 2 and 3), the consultation of employers' and workers' organisations and the measures to inform the persons tendering for any contracts of the terms of the clauses (Article 2, paragraphs 3 and 4), and the measures ensuring the implementation of labour clauses in public contracts (Articles 4 and 5).

The Committee would be glad if the Government would supply information on the above points and if it would indicate whether it considers it necessary for the competent authority to take adequate measures to ensure fair and reasonable conditions of health, safety and welfare for the workers concerned (Article 3).

*Surinam.*

The Committee notes that, according to the report, the contracts refer as a rule to the statutory provisions that are in force. In this

connection the Committee refers to the General Observation on the application of this Convention (Appendix I B).

The Committee expresses its appreciation of the statement in the report indicating that it is intended to apply the provisions of the Convention to the greatest possible extent; it hopes that the necessary steps will be taken for the insertion in public contracts of labour 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 also hopes that account will be taken in adopting these measures of the other provisions of the Convention, including in particular the definition and scope of public contracts (Article 1, paragraphs 1, 2 and 3), the consultation of employers' and workers' organisations and the measures to inform the persons tendering any contracts of the terms of the clauses (Article 2, paragraphs 3 and 4), and the measures ensuring the implementation of labour clauses in public contracts (Articles 4 and 5).

Finally, the Committee would be glad if the Government would supply information on the above points and if it would indicate whether it considers it necessary for the competent authority to take adequate measures to ensure fair and reasonable conditions of health, safety and welfare for the workers concerned (Article 3).

*United Kingdom*

*Guernsey.*

The Committee takes note with interest of the detailed first report supplied on the application of the Convention in this territory. It points out, however, that two minor divergencies appear to exist between the local legislation and practice and the provisions of the Convention.

In the first place the Convention specifies under Article 1, paragraph 3, that it "applies to work carried out by subcontractors or assignees of contracts" and that "appropriate measures shall be taken by the competent authority to ensure such application", whilst it appears from the Government's report that work carried out by subcontractors is "not specifically included in the fair wages clause, but that such clause may be reimposed on the subcontractor".

In the second place the report shows that no provision is made for the application of Article 4 of the Convention, which deals with the effective enforcement of the provisions of the Convention.

The Committee would therefore be grateful if the Government would indicate in its next report whether any measures are contemplated with a view to ensuring the full application of these provisions of the Convention.

*Jersey.*

The Committee takes note with interest of the first report supplied on the application of

the Convention in this territory. It is pleased to note that it is the normal practice for public contracts to include a fair wages clause but it would be glad if the Government would include in its next report further information on the manner in which effect is given to the individual Articles of the Convention.

CONVENTION No. 95 : PROTECTION OF WAGES,  
1949

Number of reports requested : 7.

Number of reports received : 6.

Reports not received : 1.

(*Netherlands : New Guinea.*)

*France*

*Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).*

*General Observation.* The Committee notes that according to the report the provisions of the Convention are applied under the metropolitan Labour Code. However, the Committee would be grateful if the Government would be good enough to indicate which decrees or orders have been issued to extend the provisions of the Labour Code to the four Overseas Departments.

*French Guiana.*

The Committee would be grateful if the Government would in its next report furnish certain details on the conditions under which the works stores of the mining and forestry undertakings of the Inini are operated, and specify the manner in which effect has been given in such undertakings to the provisions of Article 7 of the Convention.

The Committee would also be pleased if the Government would furnish the information requested under Points IV and V of the report form : any decisions given by legal tribunals, the number and nature of the infringements noted and other information relating to the practical application of the Convention.

*Martinique.*

The Committee notes that the information furnished under Point V of the report form is not precise enough for it to be able to estimate the degree of practical application of the Convention in the territory. It would therefore be grateful if the Government would indicate in its next report whether observations have been received in this connection from the employers' or workers' organisations and to give particulars of the number and nature of any infringements noted.

*Réunion.*

The Committee notes that, as stated in the report, the provisions of the Convention are applied in the territory in virtue of the metropolitan Labour Code and of Decree No. 54-1206 of 24 December 1954. It would nevertheless be grateful if the Government would specify in its next report any measures in virtue of which

the two aforementioned enactments have been applied in Réunion. Finally, the Committee would be pleased if the Government would, as in the case of Guiana (see above), furnish information on the practical application of the Convention.

*Netherlands*

*Netherlands Antilles.*

In its first report the Government indicates that articles 1614 and 1615 of the Civil Code give effect to the provisions of the Convention. The Committee has examined the said Code and notes that it is not in conformity with the provisions of the Convention. As the Government has declared elsewhere that, as a general rule, the provisions of the Convention were correctly applied in the territory, the Committee would be grateful if the Government would specify in its next report the laws or regulations in virtue of which this application is ensured and send the Office the text of these provisions.

The Committee would also be pleased if the Government would prepare its next reports in the form adopted by the Governing Body.

*Surinam.*

The Government has merely indicated in its first report that effect is being given to the Convention by the provisions of the Civil Code which relate to contracts of employment. The Committee would be grateful if the Government would enclose with its next report the text of the provisions which give effect to each of the Articles of the Convention. It would also be pleased if the Government would prepare its next reports in the form adopted by the Governing Body.

CONVENTION No. 96 : FEE-CHARGING  
EMPLOYMENT AGENCIES (REVISED), 1949

Number of reports requested : 1.

Number of reports received : 1.

*Netherlands*

*Surinam.*

The Committee notes that the report states that in the territory there are no fee-charging employment agencies. The Committee would be pleased to know if such agencies have been abolished by law and, if so, would be glad if the Government would send it the relevant legal texts.

CONVENTION No. 98 : RIGHT TO ORGANISE  
AND COLLECTIVE BARGAINING, 1949

Number of reports requested : 7.

Number of reports received : 7.

*France*

*Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).*

The report merely states that the metropolitan legislation has been made applicable to the

Overseas Departments. The Committee noted from the Government's report on metropolitan France that effect is given to Articles 1 and 2 of the Convention in part through case law and collective agreements. The Committee would therefore be grateful if the Government would be good enough to indicate in its next reports whether the courts of law have given decisions of principle concerning the application of the Convention in the above-mentioned territories, and would specify what collective agreements are in force and which are the employers' and workers' organisations parties to them.

CONVENTION No. 99 : MINIMUM WAGE FIXING MACHINERY (AGRICULTURE), 1951

Number of reports requested : 1.  
Number of reports received : 1.  
No observations.

CONVENTION No. 100 : EQUAL REMUNERATION, 1951

Number of reports requested : 4.  
Number of reports received : 4.

France

French Guiana.

The Committee notes the statement in the report that "similarly to the position in metropolitan France there exists no provision in the local legislation concerning equal pay for men and women", but that the same minimum wage applies to men and women.  
The Committee refers to its observations above concerning the metropolitan territory, according to which such legislation exists in France and would be glad to know if the

metropolitan provisions governing this question are also applicable in French Guiana.

Guadeloupe.

The Committee notes from the Government's first report that the legislation applying the principle of equal remuneration is the same as in metropolitan France. The Committee would be glad, however, if an indication could be given in the next report concerning the methods, if any, which have been adopted to promote an objective appraisal of jobs on the basis of the work to be performed (Article 3 of the Convention).

Marlinique.

The Committee notes from the Government's first report that the legislation applying the principle of equal remuneration is the same as that in metropolitan France and that in the majority of cases the rates of remuneration depend on an evaluation of the work. The Committee would be glad if an indication could be given in the next report of what methods, if any, have been adopted to promote an objective evaluation of the content of the work to be performed (Article 3 of the Convention).

Réunion.

The Committee notes that the Government, in its first report, refers to the legislation applicable in metropolitan France and to the information given concerning the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26). The Committee would be glad if the Government would be good enough to supply more detailed information in its next report on the manner in which the principle of equal remuneration is applied, and, in particular on the methods, if any, which have been adopted to promote an objective appraisal of jobs on the basis of the work to be performed (Article 3 of the Convention).

C. Reports Received and Reports Not Received by 27 March 1956

Number of reports expected : 3,558. Number of reports received : 2,746. Number of reports not received : 812

Countries and territories	Reports received		Reports not received	
	Number received	Conventions Nos.	Number not received	Conventions Nos.
<i>Australia :</i>				
Nauru . . . . .	13	7, 8, 9, 15, 16, 21, 22, 26, 27, 29, 45, 63, 88	0	—
New Guinea . . . . .	13	— ditto —	0	—
Norfolk Island . . . . .	13	— ditto —	0	—
Papua . . . . .	13	— ditto —	0	—



Countries and territories	Reports received		Reports not received	
	Number received	Conventions Nos.	Number not received	Conventions Nos.
<i>Belgium:</i>				
Belgian Congo . . . . .	44	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, 88, 89, 94, 97, 98, 100	0	—
Ruanda-Urundi . . . . .	44	— ditto —	0	—
<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	— ditto —	0	—
<i>France:</i>				
Algeria . . . . .	53	2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 26, 29, 33, 35, 36, 37, 38, 42, 43, 44, 45, 49, 52, 53, 55, 56, 58, 62, 63, 69, 74, 77, 78, 81, 87, 88, 89, 92, 94, 95, 96, 98, 100	1	27
Cameroons . . . . .	54	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, 42, 43, 44, 45, 49, 52, 53, 55, 56, 58, 62, 63, 69, 74, 77, 78, 81, 87, 88, 89, 92, 94, 95, 96, 98, 100	0	—
Comoro Islands . . . . .	17	3, 4, 5, 6, 12, 13, 14, 17, 18, 19, 26, 29, 33, 52, 77, 78, 87	37	2, 8, 9, 10, 11, 15, 16, 22, 23, 24, 27, 35, 36, 37, 38, 42, 43, 44, 45, 49, 53, 55, 56, 58, 62, 63, 69, 74, 81, 88, 89, 92, 94, 95, 96, 98, 100
French Equatorial Africa . . . . .	54	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, 42, 43, 44, 45, 49, 52, 53, 55, 56, 58, 62, 63, 69, 74, 77, 78, 81, 87, 88, 89, 92, 94, 95, 96, 98, 100	0	—
French Guiana . . . . .	54	— ditto —	0	—
French Settlements in Oceania . . . . .	54	— ditto —	0	—
French Somaliland . . . . .	54	— ditto —	0	—
French West Africa . . . . .	54	— ditto —	0	—
Guadeloupe . . . . .	54	— ditto —	0	—
Madagascar . . . . .	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, 42, 43, 44, 45, 49, 52, 53, 55, 56, 58, 62, 63, 69, 74, 77, 78, 81, 87, 89, 92, 94, 95, 98	3	88, 96, 100

Countries and territories	Reports received		Reports not received	
	Number received	Conventions Nos.	Number not received	Conventions Nos.
<i>France (cont.):</i>				
Martinique . . . . .	53	2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 26, 29, 33, 35, 36, 37, 38, 42, 43, 44, 45, 49, 52, 53, 55, 56, 58, 62, 63, 69, 74, 77, 78, 81, 87, 88, 89, 92, 94, 95, 96, 98, 100	1	27
Morocco . . . . .	39	2, 3, 4, 5, 6, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 26, 27, 33, 42, 45, 52, 53, 55, 56, 58, 62, 69, 74, 81, 87, 88, 89, 92, 94, 95, 96	15	10, 24, 29, 35, 36, 37, 38, 43, 44, 49, 63, 77, 78, 98, 100
New Caledonia . . . . .	51	2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 26, 27, 33, 35, 36, 37, 38, 42, 43, 44, 49, 52, 53, 55, 56, 58, 62, 63, 69, 74, 77, 78, 81, 87, 88, 89, 92, 94, 95, 96, 98	3	29, 45, 100
Réunion. . . . .	54	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, 42, 43, 44, 45, 49, 52, 53, 55, 56, 58, 62, 63, 69, 74, 77, 78, 81, 87, 88, 89, 92, 94, 95, 96, 98, 100	0	—
St. Pierre and Miquelon .	54	— ditto —	0	—
Togoland . . . . .	53	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, 42, 43, 44, 45, 49, 52, 53, 55, 56, 58, 62, 63, 69, 74, 77, 78, 81, 87, 88, 89, 92, 94, 96, 98, 100	1	95
Tunisia . . . . .	0	—	54	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, 42, 43, 44, 45, 49, 52, 53, 55, 56, 58, 62, 63, 69, 74, 77, 78, 81, 87, 88, 89, 92, 94, 95, 96, 98, 100
<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	1	96
<i>Netherlands:</i>				
Netherlands Antilles . . .	33	2, 5, 6, 8, 9, 11, 12, 13, 15, 16, 17, 19, 21, 22, 23, 26, 27, 29, 41, 42, 45, 48, 58, 63, 69, 74, 81, 87, 88, 94, 95, 96, 97	2	33, 62
Netherlands New Guinea	17	2, 5, 6, 8, 11, 13, 15, 16, 17, 19, 22, 23, 27, 29, 41, 58, 87	18	9, 12, 21, 26, 33, 42, 45, 48, 62, 63, 69, 74, 81, 88, 94, 95, 96, 97

Countries and territories	Reports received		Reports not received	
	Number received	Conventions Nos.	Number not received	Conventions Nos.
<i>Netherlands (cont.):</i>				
Surinam . . . . .	33	2, 5, 6, 8, 9, 11, 12, 13, 15, 16, 17, 19, 21, 22, 23, 26, 27, 29, 41, 42, 45, 48, 58, 63, 69, 74, 81, 87, 88, 94, 95, 96, 97	2	33, 62
<i>New Zealand:</i>				
Cook Islands and Niue <sup>1</sup> . . . . .	33	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, 101	0	—
Tokelau Islands <sup>2</sup> . . . . .	33	— ditto —	0	—
Western Samoa <sup>3</sup> . . . . .	33	— ditto —	0	—
<i>Portugal:</i>				
Angola . . . . .	9	1, 4, 6, 14, 17, 18, 19, 27, 45	3	69, 74, 92
Cape Verde . . . . .	9	— ditto —	3	— ditto —
Macao . . . . .	9	— ditto —	3	— ditto —
Mozambique . . . . .	0	—	12	1, 4, 6, 14, 17, 18, 19, 27, 45, 69, 74, 92
Portuguese Guinea . . . . .	0	—	12	— ditto —
Portuguese Indies . . . . .	9	1, 4, 6, 14, 17, 18, 19, 27, 45	3	69, 74, 92
S. Tomé and Príncipe . . . . .	9	— ditto —	3	— ditto —
Timor. . . . .	0	—	12	1, 4, 6, 14, 17, 18, 19, 27, 45, 69, 74, 92
<i>Union of South Africa:</i>				
South West Africa . . . . .	4	19, 26, 45, 89	3	2, 42, 63
<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	12	63, 69, 74, 81, 87, 88, 92, 94, 95, 97, 98, 99
Bahamas . . . . .	32	— ditto —	12	— ditto —
Barbados . . . . .	32	— ditto —	12	— ditto —
Basutoland . . . . .	32	— ditto —	12	— ditto —
Bechuanaland . . . . .	32	— ditto —	12	— ditto —
Bermuda . . . . .	32	— ditto —	12	— ditto —

<sup>1</sup> In addition, three voluntary reports have been received (Conventions Nos. 47, 61, 82).<sup>2</sup> General note on the application of Conventions and one voluntary report (Convention No. 82).<sup>3</sup> In addition, two voluntary reports have been received (Conventions Nos. 47, 61).

Countries and territories	Reports received		Reports not received	
	Number received	Conventions Nos.	Number not received	Conventions Nos.
<i>United Kingdom (cont.):</i>				
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	12	63, 69, 74, 81, 87, 88, 92, 94, 95, 97, 98, 99
British Honduras . . . . .	32	— ditto —	12	— ditto —
British Somaliland . . . . .	32	— ditto —	12	— ditto —
Brunei . . . . .	32	— ditto —	12	— ditto —
Channel Islands :				
Guernsey . . . . .	39	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, 81, 84, 86, 87, 88, 94, 98	5	74, 92, 95, 97, 99
Jersey . . . . .	39	— ditto —	5	— ditto —
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	12	63, 69, 74, 81, 87, 88, 92, 94, 95, 97, 98, 99
Dominica . . . . .	32	— ditto —	12	— ditto —
Falkland Islands <sup>1</sup> . . . . .	32	— ditto —	12	— ditto —
Fiji <sup>1</sup> . . . . .	32	— ditto —	12	— ditto —
Gambia . . . . .	0	—	44	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, 92, 94, 95, 97, 98, 99
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	12	63, 69, 74, 81, 87, 88, 92, 94, 95, 97, 98, 99
Gilbert and Ellice Islands <sup>1</sup> . . . . .	32	— ditto —	12	— ditto —
Gold Coast . . . . .	32	— ditto —	12	— ditto —
Grenada . . . . .	32	— ditto —	12	— ditto —
Hong Kong . . . . .	32	— ditto —	12	— ditto —
Jamaica <sup>1</sup> . . . . .	32	— ditto —	12	— ditto —
Kenya <sup>1</sup> . . . . .	32	— ditto —	12	— ditto —
Leeward Islands . . . . .	32	— ditto —	12	— ditto —

<sup>1</sup> Reports received too late to be summarised in Report III (Part I).

Countries and territories	Reports received		Reports not received	
	Number received	Conventions Nos.	Number not received	Conventions Nos.
<i>United Kingdom (cont.):</i>				
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	12	63, 69, 74, 81, 87, 88, 92, 94, 95, 97, 98, 99
Malta . . . . .	32	— ditto —	12	— ditto —
Isle of Man <sup>1</sup> . . . . .	39	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, 81, 84, 86, 87, 88, 94, 98	5	74, 92, 95, 97, 99
Mauritius <sup>1</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	12	63, 69, 74, 81, 87, 88, 92, 94, 95, 97, 98, 99
Nigeria . . . . .	32	— ditto —	12	— ditto —
North Borneo . . . . .	32	— ditto —	12	— ditto —
Northern Rhodesia <sup>1</sup> . . .	32	— ditto —	12	— ditto —
Nyasaland . . . . .	32	— ditto —	12	— ditto —
St. Helena . . . . .	32	— ditto —	12	— ditto —
St. Lucia <sup>1</sup> . . . . .	32	— ditto —	12	— ditto —
St. Vincent . . . . .	32	— ditto —	12	— ditto —
Sarawak . . . . .	32	— ditto —	12	— ditto —
Seychelles . . . . .	32	— ditto —	12	— ditto —
Sierra Leone <sup>1</sup> . . . . .	32	— ditto —	12	— ditto —
Singapore <sup>1</sup> . . . . .	32	— ditto —	12	— ditto —
Solomon Islands <sup>1</sup> . . . .	32	— ditto —	12	— ditto —
Southern Rhodesia <sup>2</sup> . . .	16	5, 7, 8, 15, 16, 22, 29, 32, 45, 50, 56, 64, 65, 69, 74, 86	28	2, 11, 12, 17, 19, 24, 25, 26, 35, 36, 37, 38, 39, 40, 42, 43, 44, 63, 81, 84, 87, 88, 92, 94, 95, 97, 98, 99
Swaziland . . . . .	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	12	63, 69, 74, 81, 87, 88, 92, 94, 95, 97, 98, 99
Tanganyika <sup>1</sup> . . . . .	32	— ditto —	12	— ditto —
Trinidad and Tobago <sup>1</sup> . .	32	— ditto —	12	— ditto —
Uganda <sup>1</sup> . . . . .	32	— ditto —	12	— ditto —

<sup>1</sup> Reports received too late to be summarised in Report III (Part I).<sup>2</sup> The report on Convention No. 5 also relates to Convention No. 59 (revised).

Countries and territories	Reports received		Reports not received	
	Number received	Conventions Nos.	Number not received	Conventions Nos.
<i>United Kingdom (concl.):</i>				
Zanzibar <sup>1</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	12	63, 69, 74, 81, 87, 88, 92, 94, 95, 97, 98, 99
<i>United States:</i>				
Alaska . . . . .	0	—	4	53, 55, 58, 74
American Samoa	0	—	4	— ditto —
Guam . . . . .	0	—	4	— ditto —
Hawaii . . . . .	0	—	4	— ditto —
Puerto Rico . . . . .	0	—	4	— ditto —
Virgin Islands . . . . .	0	—	4	— ditto —
Trust Territory of Pacific Islands . . . . .	0	—	4	— ditto —
Panama Canal Zone . .	3	53, 55, 58	1	74

<sup>1</sup> Reports received too late to be summarised in Report III (Part I).

### 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*

The Committee takes note of the statement made by the Government representative to the Conference Committee in 1955, to the effect that the National Assembly is the legislative authority and that more detailed explanations would be supplied at a later date. The Committee would be grateful if the Government would be good enough to forward this information and would also state what measures it has been able to take as regards the submission to the competent authority of the Recommendation adopted by the Conference at its 37th Session.

###### *Albania*

The Committee regrets to note that again this year the Government has supplied no information on the measures taken to submit to the competent authorities the Conventions and Recommendations adopted by the Conference since its 31st Session. It expresses the hope that the Government will be in a position to explain to the Conference the reasons for which it has not complied with the obligations laid down by article 19 of the Constitution of the International Labour Organisation.

###### *Argentina*

The Committee regrets to note that the Government has supplied no information on the measures taken to submit to the competent authorities the Conventions and Recommendations adopted by the Conference since its 31st Session. The Committee expresses the hope that the Government will be good enough to supply this information at the forthcoming session of the Conference.

###### *Australia*

The Committee takes note with interest of the statement made by the Government representative to the Conference Committee in 1955 to the effect that the Conventions and Recommendations adopted by the Conference at its 35th and 36th Sessions had been submitted to Parliament; in this statement the Government representative specified that discussions had taken place with the States with a view to enabling the Central Government to submit proposals to Parliament regarding these texts. The Committee would be grateful if the Government would be good enough to supply information

on the measures which it has been able to take to submit Recommendation No. 98 to the competent authorities.

###### *Belgium*

The Committee takes note with interest of the statement made by the Government representative to the Conference Committee in 1955 and expresses the hope, that in conformity with this statement, the Government will submit to the competent authorities Conventions Nos. 91, 92 and 93 adopted by the Conference at its 32nd Session.

###### *Bolivia*

The Committee notes with interest that, according to the information supplied by the Government, the principles of Recommendation No. 97 have already been incorporated in the national legislation as from 29 July 1949. It would be grateful, however, if the Government would be good enough to supply the information which the Committee has requested on various occasions, regarding the measures which the Government has been able to take to submit to the competent authorities the Conventions and Recommendations which have been adopted by the Conference since its 31st Session.

###### *Brazil*

The Committee takes note of the report drawn up by the Permanent Committee on Social Legislation, which deals with the Recommendations adopted by the Conference at its 36th, 37th and 38th Sessions, and the conclusions of which contain the measures recommended to the Government as regards the texts in question. The Committee therefore hopes that the Government will be able to supply to the Conference information regarding the measures which it has taken to submit to the competent authorities Conventions Nos. 90, 91, 93, 94, 97, 102 and 103 and Recommendations Nos. 84, 86, 87, 94, 95, 96, 97 and 98.

###### *Bulgaria*

The Committee takes note of the statement made by the Government representative to the Conference Committee in 1955, but considers that the information supplied is not sufficiently detailed to enable the Committee to assume that the Government has complied with the obliga-

tions laid down in article 19 of the Constitution. The Committee therefore refers to its previous observations and expresses the hope that the Government will be able to inform the Conference of the measures which it has taken to submit to the competent authorities the unratified Conventions and the Recommendations adopted by the Conference since its 31st Session.

#### *Burma*

The Committee takes note of the information supplied by the Government in 1955 to the Conference Committee, to the effect that a committee of legal experts was examining the possibility of improving the parliamentary procedure, and in this way removing the difficulties which, up to the present, have prevented the Government from submitting Conventions and Recommendations to the competent authority. The Committee would be grateful if the Government would keep it informed of the results of this examination and would be glad to know what measures it has been able to take, in particular, to submit to the competent authorities the Recommendation adopted by the Conference at its 37th Session.

#### *Byelorussia*

The Committee takes note of the information supplied by the Government, according to which Recommendation No. 98 was submitted to the Council of Ministers of Byelorussia for examination. However, the Committee ventures to draw the attention of the Government to Part II of the special Memorandum adopted by the Governing Body, which defines the competent authority. The Committee would be grateful if the Government would be good enough to supplement the information supplied by giving the data requested in the special Memorandum adopted by the Governing Body.

#### *Chile*

The Committee takes note of the information supplied by the Government to the effect that Recommendation No. 98 has been submitted to Congress. However, the Committee regrets to note that the Government has not supplied the information which it requested in 1955, in spite of the undertaking given by the Government delegate to the Conference Committee that year. The Committee hopes that the Government will indicate what measures it has taken to submit to 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 takes note with interest of the statement made by a Government representative to the Conference Committee in 1955, according to which "the translation into Chinese of the text of the Conventions and Recommendations had just been completed. Consequently, in accordance with article 19 of the Constitution of the I.L.O., these texts would be submitted to the Legislative Yuan at its next

session, which would take place in September next." The Committee expresses the hope that the Government will indicate at the next session of the Conference what measures it has taken to submit to the competent authorities all the Conventions and the Recommendations adopted by the Conference since its 31st Session.

#### *Colombia*

The Committee takes note of the information supplied by the Government to the Conference Committee in 1955, to the effect that "all the Conventions and Recommendations adopted by the Conference since its 32nd Session have been submitted to the Executive Power, which is examining them; in virtue of article 121 of the National Constitution the Executive Power is the competent authority to enact legislation at times when, because of exceptional reasons, Congress does not meet". However, the Committee would be very grateful if the Government would inform the Conference of the measures which it has been able to take to submit to the competent authority Recommendation No. 98 adopted at the 37th Session, since, according to the information supplied by the Government, this Recommendation was submitted to the Ministry of Labour, which does not appear to be the competent legislative authority, even by virtue of article 121 of the National Constitution.

#### *Costa Rica*

The Committee takes note of the information supplied by the Government representative at the 38th Session of the Conference, according to which a service had been set up to examine Conventions and Recommendations and to submit them to the competent authorities. The Committee therefore expresses the hope that at an early date the Government will supply information on the measures taken to submit at the competent authorities the Conventions and Recommendations adopted by the Conference since its 31st Session.

#### *Cuba*

The Committee takes note of the information supplied by the Government, according to which the Executive Power, after having examined Recommendation No. 98, was of the opinion that it is not necessary to amend the legislation in force. The Committee therefore draws the attention of the Government to the obligation to submit Recommendations to the competent authority in all cases and not only when it is considered expedient to give effect to the provisions of a Recommendation. In addition, the Committee would be grateful if the Government would be good enough to inform the Conference of the measures which it has taken to submit to the competent authorities—apart from the Recommendation in question—Convention No. 102 and Recommendations Nos. 88, 94, 96 and 97.

#### *Czechoslovakia*

The Committee regrets to note that the Government has supplied no information regarding the measures which it has taken to submit to



the competent authorities the Conventions and Recommendations adopted by the Conference since its 33rd Session, as well as Recommendation No. 87 adopted at the 32nd Session of the Conference. The Committee ventures to hope that the Government will be in a position to supply this information to the next session of the Conference and at the same time to supply all the information requested in the special Memorandum adopted by the Governing Body.

#### *Dominican Republic*

The Committee would be grateful if the Government would supply information regarding the measures taken to submit to the competent authorities Convention No. 99 and Recommendations Nos. 89, 91 and 92, as well as all the Conventions and Recommendations adopted subsequently by the Conference since its 35th Session.

#### *Ecuador*

The Committee takes note with interest of the information supplied by the Government in writing to the Conference Committee in 1955, according to which the Government has submitted to the National Congress 33 Conventions for ratification and a certain number of Recommendations. The Committee would be grateful if the Government would supply to the Conference more precise information in this respect.

#### *Egypt*

The Committee regrets to note that, in spite of repeated observations, the Government has supplied no information on the measures taken to submit to the competent authorities the unratified Conventions and the Recommendations adopted by the Conference since its 31st Session. The Committee expresses the hope that at an early date the Government will supply the information requested, and it would also be grateful if the Government would be good enough to supplement this information by supplying the data requested in the special Memorandum adopted by the Governing Body.

#### *Ethiopia*

The Committee notes that once again the Government has not supplied the information requested on various occasions regarding the measures taken to submit to the competent authorities the Conventions and Recommendations adopted by the Conference since its 31st Session. The Committee therefore reiterates its previous observations and urges the Government to explain to the Conference the reasons for its persistent silence.

#### *France*

The Committee takes note with interest of the statement made by the Government representative to the Conference Committee in 1955, to the effect that the submission of Recommendations to the competent authority was always accompanied by observations on the part of the Government which included any proposals it wished to make. The Committee would be grateful if the Government would be good enough to indicate what were the proposals

made by the Government when Recommendation No. 98 was submitted to Parliament.

#### *Greece*

The Committee takes note with interest of the information supplied by the Government to the Conference Committee in 1955, to the effect that the Minister of Labour had sent to the Chamber of Deputies the text of Conventions Nos. 87, 89, 90, 94, 96, 97, 98, 99, 100, 101 and 103 and had asked the President of the Chamber to fix the method by which constitutional difficulties should be overcome as regards submission. The Committee would be grateful if the Government would state whether this method has been adopted and what measures it intends to take to submit to Parliament the Recommendations adopted by the Conference since its 33rd Session.

#### *Guatemala*

The Committee takes note of the information supplied by the Government, according to which, in view of the abnormal situation prevailing in the country, it has not been possible for it to submit to the Legislative Assembly, which is the competent authority, the text of Conventions and Recommendations. The Committee expresses the hope that the Government will be able to inform the Conference of the measures which it has been able to take to submit to the competent authorities Conventions Nos. 91, 92 and 93 and Recommendation No. 87, as well as the Conventions and Recommendations adopted by the Conference since its 33rd Session.

#### *Haiti*

The Committee takes note with interest of the statement made by the Government representative to the Conference Committee in 1955, according to which Parliament is the competent authority within the meaning of article 19 of the Constitution of the International Labour Organisation. The Committee would be grateful if the Government would be good enough to indicate what measures it has been able to take to submit to Parliament the Recommendations adopted by the Conference since its 36th Session.

#### *Hungary*

The Committee takes note of the information supplied by the Government to the Conference Committee in 1955, according to which the Presidential Council has the power to ratify Conventions and constitutes the competent authority.

Nevertheless, the Committee wishes to draw the attention of the Government to Part II of the special Memorandum adopted by the Governing Body which defines the competent authority. The Committee would be grateful if the Government would be good enough to supplement the information which it has supplied by forwarding all the information requested in the special Memorandum adopted by the Governing Body.

#### *Iceland*

The Committee thanks the Government for the Parliamentary Paper which it has forwarded

concerning the 37th Session of the Conference. However, it would be grateful if the Government would follow up this document by a brief summary drafted in one of the official languages of the Organisation.

#### *Indonesia*

The Committee takes note of the statement made by the Government representative to the Conference Committee in 1955 to the effect that, according to the terms of article 89 of the Provisional Constitution of Indonesia, legislative authority is exercised jointly by the Government and the House of Representatives; Bills are drawn up by the Government which, according to the terms of article 82 of the Constitution of the country, is competent to adopt rules of application. The Government representative added that more detailed information would be supplied later in writing. The Committee notes with regret that the Government has not since supplied any additional information. It would be grateful in particular if the Government would be good enough to indicate what measures it has been able to take to submit to the competent authorities the texts of the Conventions and Recommendations adopted by the Conference since its 33rd Session and, at the same time, would supply all the information requested in the special Memorandum adopted by the Governing Body.

#### *Iran*

The Committee takes note with interest of the statement made by the Government representative to the Conference Committee in 1955, to the effect that the Government had submitted Conventions Nos. 99 and 103 to the competent authorities. The Committee also took note with interest of the detailed information supplied by the Government concerning the provisions of the national legislation which give effect to Recommendation No. 98. It would be grateful if the Government would be good enough to indicate whether the last-named Recommendation, as well as all the other Recommendations adopted by the Conference since its 34th Session, have been submitted to the competent authorities. The Committee would also be grateful if the Government would be good enough to supply all the information requested in the special Memorandum adopted by the Governing Body.

#### *Iraq*

The Committee expresses the hope that the Government—in accordance with the assurance given by its representative to the Conference Committee in 1955—will be able to supply information on the measures which it has been able to take to submit to the competent authorities Conventions Nos. 87, 89 and 90, as well as all the Conventions and Recommendations adopted by the Conference since its 32nd Session.

#### *Ireland*

The Committee takes note of the statement made by the Government according to which, in its opinion, the Government should be considered as the competent authority. However,

the Committee notes that the texts of Conventions and Recommendations adopted by the Conference are subsequently submitted to Parliament. Consequently, the Committee wishes to point out that the competent authority within the meaning of article 19 of the Constitution of the International Labour Organisation is the authority which is vested with the power to legislate, and not the authority which prepares and submits to Parliament proposals regarding legislation.

#### *Israel*

The Committee takes note with interest of the information supplied by the Government to the Conference Committee in 1955, according to which Conventions Nos. 99, 100, 101, 102 and 103 have been submitted to Parliament. However, the Committee would be grateful if the Government would be good enough to indicate, as requested by the Conference Committee in 1955, what measures it has been able to take with a view to submitting to the competent authorities the Recommendations adopted by the Conference since its 34th Session.

#### *Italy*

The Committee takes note with satisfaction of the statement made by the Government representative to the Conference Committee in 1955, according to which the problem of the submission of Conventions and Recommendations to the competent authority had been solved and all the Conventions and Recommendations adopted by the Conference at its 34th, 35th and 36th Sessions had been submitted to the Chamber of Deputies. The Committee would be grateful if the Government would be good enough to explain the nature of the new procedure which has been adopted.

#### *Lebanon*

The Committee takes note with interest of the statement made by the Government representative to the Conference Committee in 1955, to the effect that the texts of various Conventions had been translated with a view to their ratification by Parliament but the necessary steps would be taken to submit the Conventions and Recommendations to the competent authorities. In view of the fact that the Government has since supplied no information in this respect, the Committee would be grateful if it would be good enough to indicate what measures it has taken to submit to the competent authorities all the Conventions and Recommendations adopted by the Conference since its 31st Session.

#### *Liberia*

The Committee takes note with interest of the statement made by the Government representative to the Conference Committee in 1955, according to which most of the Conventions and Recommendations had already been submitted to the competent authorities. In view of the fact that the Government has since supplied no information in this respect, the Committee would be grateful if it would be good enough to supply more specific information in this connection and, in particular, all the information requested in

the special Memorandum adopted by the Governing Body.

### *Libya*

The Committee takes note with interest of the statement made by the Government representative to the Conference Committee in 1955, to the effect that under the technical assistance which Libya has received from the International Labour Office the Government will soon be able to submit the Conventions and Recommendations to Parliament and to propose the ratification of certain Conventions. The Committee expresses the hope that the Government will supply information in this respect during the forthcoming session of the Conference.

### *Mexico*

The Committee notes that, according to the information supplied by the Government, the text of Recommendation No. 98 had been submitted to each of the constituent units of the Federation so that measures might be taken in preparing collective agreements. The Committee would be grateful if the Government would be good enough to indicate what measures it has been able to take to submit this Recommendation to the competent authorities, in conformity with article 19 of the Constitution of the International Labour Organisation. It would also be grateful if the Government would be good enough to state whether 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, have been submitted to the competent authorities.

### *Pakistan*

The Committee would be grateful if the Government would be good enough to indicate what measures it has taken to submit to the competent authorities the Recommendations adopted by the Conference since its 36th Session.

### *Panama*

The Committee takes note of the statement made by the Government representative to the Conference Committee in 1955 to the effect that the Government was making a close study of all the international labour Conventions with a view to submitting them to the National Assembly. The Committee hopes that, in conformity with this statement, the Government will be able to inform the Conference of the measures it has taken to submit to the competent authorities the Conventions and Recommendations adopted by the Conference since its 31st Session.

### *Peru*

The Committee notes that, in spite of its repeated requests, the Government has supplied no information regarding the measures taken to submit to the competent authorities the Conventions and Recommendations adopted by the Conference since its 31st Session. The Committee urges the Government to explain to the Conference the reasons for which it has not replied to the numerous requests made by the

Committee, and also hopes that it will supply information on the measures which have been taken to comply with the obligation laid down in article 19 of the Constitution to submit to the competent authorities the texts adopted at the various sessions of the Conference.

### *Poland*

The Committee takes note with interest of the statement made by the Government representative to the Conference Committee in 1955, according to which a certain number of Conventions and Recommendations had been submitted to the Council of State, which is the competent authority in view of the fact that the Council of State emanated from Parliament and is empowered to enact legislation outside parliamentary sessions. The Committee would be glad if the Government would be good enough to specify what measures it has taken to submit to the competent authorities all the unratified Conventions and the Recommendations adopted by the Conference from its 31st to its 37th Sessions, as well as those Recommendations—in particular, Recommendation No. 98—in respect of which no information has been supplied up to the present.

### *Portugal*

The Committee takes note with interest of the statement made by the Government representative to the Conference Committee in 1955, to the effect that "Parliament is the competent authority in the sense of article 19 of the Constitution". The Committee would therefore be grateful if the Government would be good enough to state if Recommendation No. 98 has been submitted to Parliament.

### *El Salvador*

The Government has supplied the International Labour Office with information regarding the legislative provisions which give effect to Recommendation No. 98, adopted by the Conference at its 37th Session. The Committee thanks the Government for this material, but wishes nevertheless to draw the attention of the Government to the fact that article 19 of the Constitution lays down two separate obligations. On the one hand, paragraphs 5 (c) and 6 (c) provide that Members 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, under paragraphs 5 (e) and 6 (d), when Conventions and Recommendations have been brought before the competent authorities the Member shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of its law and practice in regard to the matters dealt with in the Convention [or Recommendation]. Since no choice has as yet been made by the Governing Body to determine whether the Recommendation adopted at the 37th Session of the Conference should form the

subject of reports under article 19 of the Constitution, El Salvador was not under any obligation to supply this information to the I.L.O. On the other hand, the Committee wishes to draw the attention of the Government to the obligation laid down under paragraphs 5 (b) and (c) and 6 (b) and (c) of article 19 of the Constitution, according to which, as admitted by the Government representative to the Conference Committee in 1955, it should have submitted the Conventions and Recommendations to the competent authorities.

Finally, the Committee notes with satisfaction that the above-mentioned Government representative also stated that the submission of the Conventions and Recommendations would be effected within a year, as from June 1955. The Committee therefore expresses the hope that the Government will be in a position to state at the next session of the Conference that the texts of all the Conventions and Recommendations adopted by the Conference since its 31st Session—and not only the Convention which it contemplates ratifying—have been submitted to the competent authorities.

#### *Syria*

The Committee takes note of the statement made by the Government representative to the Conference Committee in 1955, to the effect that "circumstances do not permit the Government to submit to Parliament all the Conventions and Recommendations adopted by the International Labour Conference". The Committee expresses the hope that the Government will soon be in a position to comply with its obligations under article 19 of the Constitution, and will supply all the information requested in the special Memorandum adopted by the Governing Body.

#### *Thailand*

The Committee would be grateful if the Government would indicate what measures it has been able to take to submit to Parliament the texts adopted by the Conference since its 36th Session.

#### *Ukraine*

The Committee takes note of the information supplied by the Government, according to which the Recommendations adopted by the Conference at its 37th Session has been submitted to the Council of Ministers of Ukraine for examination. It ventures to draw the attention of the Government to Part II of the special Memorandum adopted by the Governing Body which defines the competent authority. The Committee would be grateful if the Government would be good enough to supplement the information which it has supplied by giving all the information requested in the special Memorandum adopted by the Governing Body.

#### *U.S.S.R.*

The Committee takes note of the information supplied by the Government, to the effect

that Recommendation No. 98 was submitted to the Council of Ministers of the U.S.S.R. for examination. However, the Committee ventures to draw the attention of the Government to Part II of the special Memorandum adopted by the Governing Body, which defines the competent authority. The Committee would be very grateful if the Government would be good enough to supplement the information which it has supplied by giving the data requested in the special Memorandum adopted by the Governing Body.

#### *United Kingdom*

The Committee would be glad if the Government would be good enough to indicate what measures it has been able to take to submit to the competent authorities Recommendation No. 98 adopted by the Conference at its 37th Session.

#### *United States*

The Committee takes note of the information supplied by the Government to the Conference Committee in 1955, to the effect that the texts adopted by the Conference at its 35th and 36th Sessions had been transmitted to Congress, to the states, the Commonwealth of Puerto Rico, and the territories. The Committee would be very grateful if the Government would be good enough to state what measures it has taken to submit to the competent authorities the Recommendation adopted by the Conference at its 37th Session.

#### *Uruguay*

The Committee takes note of the statement made by the Government representative to the Conference Committee in 1955, according to which Recommendations Nos. 87, 88, 91, 92 and 96 had not yet been submitted to the competent authorities but this would shortly be done. As the Government has since supplied no additional information the Committee expresses the hope that it will be able to inform the Conference that the Recommendations in question have been submitted to Parliament and also to state whether it has been able to submit to the competent authorities Recommendation No. 98 adopted by the Conference at its 37th Session.

#### *Venezuela*

The Committee regrets to note that the Government has supplied no information regarding the measures taken to submit to the competent authorities the Conventions and Recommendations adopted by the Conference since its 31st Session. The Committee expresses the hope that the Government will be able to explain to the next session of the Conference why it has failed to communicate the required information.

#### *Viet-Nam*

The Committee would be grateful if the Government would be good enough to indicate what measures it has taken to submit Recommendation No. 98 to the competent authorities.

## B. Position of the Individual Members with Regard to the Obligation to Submit Conference Decisions to the Competent Authorities

*(31st to 37th Sessions of the International Labour Conference, 1948-54)*

*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 to the authorities considered as competent by governments	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	37th
Albania . . . . .	—	31st, 32nd, 33rd, 34th, 35th, 36th and 37th
Argentina . . . . .	—	31st, 32nd, 33rd, 34th, 35th, 36th and 37th
Australia . . . . .	31st, 32nd, 33rd, 35th and 36th	37th
Austria . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th and 37th	—
Belgium . . . . .	31st, 32nd (C 94, 95, 96, 97, 98; R 84, 85, 86, 87), 33rd, 34th, 35th, 36th and 37th	32nd (C 91, 92, 93)
Bolivia . . . . .	32nd (C 96)	31st, 32nd (C 91, 92, 93, 94, 95, 97, 98; R 84, 85, 86, 87), 33rd, 34th, 35th, 36th and 37th
Brazil . . . . .	31st (C 87, 88, 89; R 83), 32nd (C 92, 95, 96, 98; R 85), 33rd, 34th and 35th (C 101; R 93)	31st (C 90), 32nd (C 91, 93, 94, 97; R 84, 86, 87), 35th (C 102, 103; R 94, 95) 36th and 37th
Bulgaria . . . . .	31st, 32nd (C 91, 92, 93, 94, 95, 96, 97, 98), 34th (C 99, 100) and 35th (C 101, 102, 103)	32nd (R 84, 85, 86, 87), 33rd, 34th (R 89, 90, 91, 92) 35th (R 93, 94, 95), 36th and 37th
Burma . . . . .	31st, 32nd, 33rd, 34th, 35th and 36th	37th
Byelorussia <sup>1</sup> . . . . .	37th	—
Canada . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th and 37th	—
Ceylon . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th and 37th	—
Chile . . . . .	31st (C 88, 89, 90; R 83), 32nd (C 94, 95, 96, 98; R 84, 85, 87), 34th (C 99; R 89, 90, 92), 35th (C 102) 36th and 37th	31st (C 87), 32nd (C 91, 92, 93, 97; R 86), 33rd, 34th (C 100; R 91), 35th (C 101, 103; R 93, 94, 95)
China . . . . .	—	31st, 32nd, 33rd, 34th, 35th, 36th and 37th
Colombia . . . . .	31st, 32nd, 33rd, 34th, 35th and 36th	37th
Costa Rica . . . . .	—	31st, 32nd, 33rd, 34th, 35th, 36th and 37th
Cuba . . . . .	31st, 32nd, 34th, 35th (C 101, 103; R 93, 95)	33rd, 35th (C 102; R 94) 36th and 37th
Czechoslovakia . . . . .	31st, 32nd (C 91, 92, 93, 94, 95, 96, 97, 98; R 84, 85, 86)	32nd (R 87), 33rd, 34th, 35th, 36th and 37th
Denmark . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th and 37th	—
Dominican Republic . . . . .	31st, 32nd, 33rd and 34th (C 100; R 90)	34th (C 99; R 89, 91, 92) 35th, 36th and 37th
Ecuador . . . . .	32nd (C 91, 92, 93, 94, 95, 96, 97, 98; R 84, 85, 86), 34th (C 99, 100; R 89, 90) and 36th	31st, 32nd (R 87), 33rd, 34th (R 91, 92), 35th and 37th

<sup>1</sup> Byelorussia became a Member of the Organisation in 1954.

States	Sessions of which the decisions have been submitted to the authorities considered as competent by governments	Sessions of which the decisions have not been submitted (including cases in which no information has been supplied)
Egypt . . . . .	31st (C 88; R 83) and 32nd (C 98)	31st (C 87, 89, 90), 32nd (C 91, 92, 93, 94, 95, 96, 97; R 84, 85, 86, 87), 33rd, 34th, 35th, 36th and 37th
Ethiopia . . . . .	—	31st, 32nd, 33rd, 34th, 35th, 36th and 37th
Finland . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th and 37th	—
France . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th and 37th	—
Germany (Federal Republic) <sup>1</sup>	34th, 35th, 36th and 37th	—
Greece . . . . .	31st, 32nd, 34th (C 99, 100) and 35th (C 101, 102, 103)	33rd, 34th (R 89, 90, 91, 92), 35th (R 93, 94, 95), 36th and 37th
Guatemala . . . . .	31st, 32nd (C 94, 95, 96, 97, 98; R 84, 85, 86)	32nd (C 91, 92, 93; R 87), 33rd, 34th, 35th, 36th and 37th
Haiti . . . . .	36th	31st, 32nd, 33rd, 34th, 35th and 37th
Hungary . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th and 37th	—
Iceland . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th and 37th	—
India . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th and 37th	—
Indonesia <sup>2</sup> . . . . .	—	33rd, 34th, 35th, 36th and 37th
Iran . . . . .	31st, 32nd, 33rd, 34th (C 99, 100) and 35th (C 101, 102, 103)	34th (R 89, 90, 91, 92), 35th (R 93, 94, 95), 36th and 37th
Iraq . . . . .	31st (C 88; R 83)	31st (C 87, 88, 90), 32nd, 33rd, 34th, 35th, 36th and 37th
Ireland . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th and 37th	—
Israel <sup>3</sup> . . . . .	32nd, 33rd, 34th (C 99, 100; R 89, 90), and 35th (C 101, 102, 103; R 93, 95)	34th (R 91, 92), 35th (R 93, 94, 95), 36th and 37th
Italy . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th and 37th	—
Japan <sup>4</sup> . . . . .	35th, 36th and 37th	—
Lebanon . . . . .	—	31st, 32nd, 33rd, 34th, 35th, 36th and 37th
Liberia . . . . .	—	31st, 32nd, 33rd, 34th, 35th, 36th and 37th
Libya <sup>5</sup> . . . . .	—	35th, 36th and 37th
Luxembourg . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th and 37th	—
Mexico . . . . .	31st, 34th (C 99, 100; R 89, 90)	32nd, 33rd, 34th (R 91, 92), 35th, 36th and 37th
Netherlands . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th and 37th	—
New Zealand . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th and 37th	—
Norway . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th and 37th	—
Pakistan . . . . .	31st, 32nd, 33rd, 34th and 35th	36th and 37th

<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.

<sup>4</sup> Japan re-entered the Organisation after the closure of the 34th Session.

<sup>5</sup> Libya became a Member of the Organisation at the 35th Session.

States	Sessions of which the decisions have been submitted to the authorities considered as competent by governments	Sessions of which the decisions have not been submitted (including cases in which no information has been supplied)
Panama . . . . .	—	31st, 32nd, 33rd, 34th, 35th, 36th and 37th
Peru . . . . .	—	31st, 32nd, 33rd, 34th, 35th, 36th and 37th
Philippines . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th and 37th	—
Poland . . . . .	35th and 36th	31st, 32nd, 33rd, 34th and 37th
Portugal . . . . .	31st, 32nd, 34th, 35th, 36th and 37th	33rd
El Salvador . . . . .	—	31st, 32nd, 33rd, 34th, 35th, 36th and 37th
Sweden . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th and 37th	—
Switzerland . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th and 37th	—
Syria . . . . .	31st (C 89)	31st (C 87, 88, 90; R 83), 32nd, 33rd, 34th, 35th, 36th and 37th
Thailand . . . . .	31st, 32nd, 33rd, 34th and 35th	36th and 37th
Turkey . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th and 37th	—
Ukraine <sup>1</sup> . . . . .	37th	—
Union of South Africa . . .	31st, 32nd, 33rd, 34th, 35th, 36th and 37th	—
U.S.S.R. <sup>2</sup> . . . . .	37th	—
United Kingdom . . . . .	31st, 32nd, 33rd, 34th, 35th, and 36th	37th
United States . . . . .	31st, 32nd, 33rd, 34th, 35th and 36th	37th
Uruguay . . . . .	31st, 32nd (C 91, 92, 93, 94, 95, 96, 97, 98; R 84, 85, 86), 34th (C 99, 100; R 89, 90), 35th and 36th (R 97)	32nd (R 87), 33rd, 34th (R 91, 92), 36th (R 96) and 37th
Venezuela . . . . .	—	31st, 32nd, 33rd, 34th, 35th, 36th and 37th
Viet-Nam <sup>3</sup> . . . . .	33rd, 34th, 35th and 36th	37th
Yugoslavia . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th and 37th	—

<sup>1</sup> Ukraine became a Member of the Organisation in 1954.  
<sup>2</sup> The U.S.S.R. re-entered the Organisation in 1954.  
<sup>3</sup> Viet-Nam became a Member of the Organisation at the 33rd Session.

C. Tables Showing the Position of Members with Regard to the Obligation to Submit Conference Decisions to the Competent Authorities

TABLE I: NUMBER OF STATES WHICH HAVE SUBMITTED CONVENTIONS AND RECOMMENDATIONS WITHIN THE PRESCRIBED TIME LIMITS TO THE AUTHORITIES CONSIDERED COMPETENT BY GOVERNMENTS

Number of States, in which, according to information supplied by governments	Sessions at which decisions were adopted						
	31st (June 1948)	32nd (June 1949)	33rd (June 1950)	34th (June 1951)	35th (June 1952)	36th (June 1953)	37th (June 1954)
All the decisions have been submitted . .	16	17	21	25	25	28	29
Some of these decisions have been submitted	7	2	— <sup>1</sup>	4	3	1	— <sup>1</sup>
None of these decisions have been submitted (including cases in which no information has been supplied by the government) . .	37	42	42	35	38	37	40
Number of States which were Members of the Organisation at the time of the session .	60	61	63	64	66	66	69

<sup>1</sup> At this session the Conference adopted only one Recommendation.

TABLE II: OVER-ALL POSITION OF MEMBERS AS AT 15 MARCH 1956

Number of States, in which, according to information supplied by governments	Sessions at which decisions were adopted						
	31st (June 1948)	32nd (June 1949)	33rd (June 1950)	34th (June 1951)	35th (June 1952)	36th (June 1953)	37th (June 1954)
All the decisions have been submitted . .	40	35	35	37	38	35	29
Some of these decisions have been submitted	5	10	— <sup>1</sup>	9	7	1	— <sup>1</sup>
None of these decisions have been submitted (including cases in which no information has been supplied by the government) . .	15	16	28	18	21	30	40
Number of States which were Members of the Organisation at the time of the session .	60	61	63	64	66	66	69

<sup>1</sup> At this session the Conference adopted only one Recommendation.



## APPENDIX IV

### CONVENTIONS AND RECOMMENDATIONS WITH REGARD TO WHICH REPORTS WERE REQUESTED UNDER ARTICLE 19 OF THE CONSTITUTION

#### A. General Remarks

##### RIGHT TO ORGANISE AND COLLECTIVE BARGAINING CONVENTION, 1949 (No. 98)

###### *Introduction*

As indicated in its General Report, the Committee has endeavoured for the first time this year to give a general picture of the position of the law and practice in the different countries in regard to the matters dealt with in the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), whether or not the countries in question have ratified the Convention. Thus the information used in this study related to 47 States, that is, more than 67 per cent. of the number of States which were Members of the Organisation at the time when the reports were requested by the Governing Body.

The Right to Organise and Collective Bargaining Convention (No. 98) which was adopted by the International Labour Conference in 1949, constitutes a second stage in the establishment of international standards for the protection of trade union rights. The Conference had already adopted in the previous year the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the object of which was to define as concisely as possible the principles which should govern freedom of association. With this end in view the Freedom of Association and Protection of the Right to Organise Convention (No. 87) lays special emphasis on the relations which should exist between the State or public authorities, on the one hand, and the industrial organisations on the other.

The object of the Conference in adopting the Right to Organise and Collective Bargaining Convention (No. 98) was to state additional principles designed to supplement those which had been established in 1948 by Convention No. 87. It appeared in fact that, even in the absence of interference by the State or public authorities, the principle of freedom of association was running the risk of being considerably weakened and it was, moreover, possible that the exercise of the right to organise could be seriously compromised by acts of interference of employers' and workers' organisations with each other.

These acts of interference may be of very different kinds and, for this reason, the Convention contains provisions with regard to the protection of workers against acts of anti-union discrimination in respect of their employment

and also provisions concerning the protection of employers' and workers' organisations against any acts of interference in their establishment, functioning and administration. But the authors of the Convention did not wish to restrict its text to a statement of essentially negative standards; they wished to give it a positive content by providing for the adoption of measures, appropriate to national conditions, to encourage and promote the development and utilisation of machinery for voluntary negotiation of collective agreements between employers or employers' organisations and workers' organisations.

When thus defining the basic guarantees which must be enjoyed by occupational organisations, the Conference did not intend, however, to impose any particular methods on States Members for putting these standards into effect. For this reason, the various provisions of the Convention were drafted sufficiently flexibly to allow it to be ratified by States in which protection of the right to organise and to bargain collectively is already ensured either by statute law, in the form of provisions of the Constitution, laws or regulations, or by methods which, without being so formal, are not less effective, such as custom, common law, collective agreements or established practice.<sup>1</sup>

The Right to Organise and Collective Bargaining Convention, 1949 (No. 98) came into force on 18 July 1951. Up to the present it has been ratified by 20 Governments, as follows: Austria,

<sup>1</sup> In addition to the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) which is mentioned above, and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), it should be noted that the Conference also adopted, in 1947, a special Convention for non-metropolitan territories. This Convention, the Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84) contains, *inter alia*, provisions concerning the right to bargain collectively. Up to now it has been ratified by four States responsible for non-metropolitan territories—Belgium, France, New Zealand and the United Kingdom. These States have undertaken to secure the application of the provisions of the Convention in most of their territories or have accepted its obligations on behalf of their territories. It should be noted in addition that, although the Convention has not been ratified by Italy, the Italian Government has accepted its provisions on behalf of the Trusteeship Territory of Somaliland. Details as to the way in which Convention No. 84 and the other Conventions relating to freedom of association are applied may be found in the report of the Committee of Experts on the Application of Conventions and Recommendations, submitted to the International Labour Conference in 1955 (page 9, paragraph 34(6), and Appendix V).

Belgium <sup>1</sup>, Brazil, Cuba, Denmark, the Dominican Republic, Egypt, Finland, France <sup>2</sup>, Guatemala, Iceland, Ireland, Japan, Norway, Pakistan, the Philippines, Sweden, Turkey, the United Kingdom <sup>3</sup> and Uruguay.

### Reports Received

The 31 States listed below have sent reports under article 19 of the Constitution on the position of the law and practice in regard to the matters dealt with in the Convention: Australia <sup>4</sup>, Bulgaria, Burma, Byelorussia, Canada, Ceylon, Chile, Colombia, Costa Rica <sup>4</sup>, Denmark <sup>5</sup>, the Federal Republic of Germany, Greece, Honduras <sup>4</sup>, Hungary, India <sup>4</sup>, Indonesia, Iran <sup>4</sup>, Israel, Italy, Luxembourg, the Netherlands, New Zealand, Poland <sup>4</sup>, Switzerland, Thailand <sup>4</sup>, Ukraine, the Union of South Africa, the U.S.S.R., the United States <sup>4</sup>, Viet-Nam and Yugoslavia. In addition, as indicated below, the remarks of the Committee also refer to the information supplied by States Members which have ratified the Convention in their annual reports presented under the terms of article 22 of the Constitution. Among the 20 States which have ratified, five, i.e. Denmark, Egypt, Ireland, Norway and Uruguay, which ratified the Convention only recently, were not required to supply a report this year; two of the States—Egypt and Uruguay—have nevertheless supplied reports voluntarily, and Denmark has sent a report under the terms of article 19. Of the other 15 States, which are required to supply a report as for a ratified Convention, all except Guatemala have sent in reports.<sup>6</sup>

Accordingly, it has been possible for the Committee this year to obtain a general view of the position of the law and practice in regard to the matters dealt with in the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) in the 47 States cited below <sup>7</sup> which have supplied reports either under the terms of article 19 of the Constitution (States which have not ratified the Convention), or under the terms of article 22 (States which have ratified): Australia, *Austria*, *Belgium*, *Brazil*, Bulgaria, Burma, Byelorussia, Canada, Ceylon, Chile, Colombia, Costa Rica, *Cuba*, *Denmark*,

the *Dominican Republic*, *Egypt*, *Finland*, *France*, the Federal Republic of Germany, Greece, Honduras, Hungary, *Iceland*, India, Indonesia, Iran, Israel, Italy, *Japan*, Luxembourg, the Netherlands, New Zealand, *Pakistan*, the *Philippines*, Poland, *Sweden*, Switzerland, Thailand, *Turkey*, Ukraine, the Union of South Africa, the U.S.S.R., the *United Kingdom*, the United States, *Uruguay*, Viet-Nam and Yugoslavia.

### Content of Reports

The volume of information supplied and its detailed character naturally varies considerably as between the reports supplied under article 22 of the Constitution by States which have ratified the Convention and the reports sent under article 19 by States which have not ratified it. The information requested in the forms for annual reports from the States which have ratified a given Convention is much more detailed than that requested in the forms with regard to reports due under article 19 from the States which have not yet ratified the Convention. The Committee therefore noted with satisfaction the fact that, pursuant to a decision taken by the Governing Body at its 130th Session (November 1955), special detailed forms of report may be used in cases where reports are requested for the second time under article 19 of the Constitution from States Members which have not ratified a Convention. Consequently, when the Committee is called upon in 1957 to examine the reports supplied under article 19 on the Freedom of Association and Protection of the Right to Organise Convention (No. 87), the information made available to the Committee should be more detailed thanks to the new procedure.

Generally speaking, the States which have ratified the Convention and which were required to submit a report have sent in sufficiently detailed reports, drawn up in accordance with the annual report form adopted by the Governing Body. Some of the reports sent in by States which have not ratified the Convention are very full and detailed as, for example, those from Australia, Canada, Greece, New Zealand, Switzerland and the United States. Other reports, on the contrary, only contain very summary information as, for example, those supplied by the Governments of Bolivia, Burma, Ceylon, Honduras, India, Indonesia, Iran, Israel and Poland. It should also be remarked that the reports supplied by Burma and Italy contain information which relates more directly to the questions dealt with in the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) than to the questions treated by the Right to Organise and Collective Bargaining Convention, 1949 (No. 98). The report of Colombia, although detailed, has no exact bearing on the problems dealt with in the Convention. Lastly, the reports from a certain number of countries, i.e. Bulgaria, Byelorussia, Hungary, Ukraine, the U.S.S.R., which concern both Convention No. 98 and Recommendation No. 91, supply information the analysis of which can only be interpreted in the light of the economic and social situation peculiar to those countries.

Moreover, generally speaking, it would appear

<sup>1</sup> According to the declaration communicated by the Belgian Government under the terms of article 35 of the Constitution of the International Labour Organisation, the Convention is not applicable to the Belgian Congo or to Ruanda-Urundi.

<sup>2</sup> The French Government declared that the Convention was applicable without modification to the four following territories: Guadeloupe, Guiana, Martinique, Réunion.

<sup>3</sup> The Convention is applicable, *ipso facto* and without modifications, to the Channel Islands and the Isle of Man.

<sup>4</sup> Reports received too late to be summarised in Report III (Part II): *Summary of Reports on Unratified Conventions and on Recommendations (Article 19 of the Constitution)*.

<sup>5</sup> The ratification of the Convention by Denmark was registered on 15 August 1955, i.e. after the report was despatched.

<sup>6</sup> The Committee's observations on certain of these reports will be found in Appendix I.

<sup>7</sup> The names of Members which have ratified the Convention are italicised.

that the governments of the States in which respect for the basic guarantees established by the Convention is ensured in practice either by customary rules or by certain *de facto* situations—as is the case, for example, when the trade union organisations are powerful enough to make it unnecessary to adopt legislation to protect them—have found it somewhat difficult to draw up detailed reports.

### *Analysis of the Situation in the Different States*

The examination of the reports supplied makes it possible, to a certain extent, to see what the situation is in the different countries in regard to the right to organise and to bargain collectively, and to appreciate the way in which the provisions of the Convention have been put into effect either by legislation or by established practice, both in the States which have ratified the Convention and in those which have not ratified it. The results obtained by an analysis of the information communicated by the governments are summarised below according to the arrangement followed by the Conference itself: protection of the right to organise (Articles 1 to 3); guarantee of the right to bargain collectively (Article 4); definition of the scope of the Convention (Articles 5 and 6).

#### *Protection of the Right to Organise.*

Three Articles of the Convention define the guarantees which should be granted to occupational organisations. The first states that workers shall enjoy adequate protection against any acts of discrimination in respect of their employment; according to the second, workers' and employers' organisations shall enjoy adequate protection against any acts of interference in their establishment, functioning or administration; lastly, the third Article recommends the establishment, where necessary, of machinery appropriate to national conditions for the purpose of ensuring respect of the guarantees defined by the two preceding Articles.

For each of these Articles an examination of the information received makes it possible to gain a general idea of the position in the various States in the field of the Convention.

In addition, for the first two Articles it is possible (1) to examine the juridical methods employed in the different States to secure protection of the right to organise; and (2) to discover what are the preventive or protective methods used against acts of discrimination or interference.

*Protection against acts of anti-union discrimination.* Under Article 1 of the Convention, workers should enjoy adequate protection against acts of anti-union discrimination in respect of their employment. Such protection should apply more particularly, at the time the worker is engaged, in respect of acts calculated to make the employment of the worker subject to the condition that he shall not join a union or shall relinquish trade union membership. The protection should also apply to acts calculated to cause the dismissal of, or otherwise prejudice, a worker by reason of union membership or because of participation in union activities.

Forty-three of the States which supplied reports indicate that workers are protected, in some way or another, against all acts of anti-union discrimination. A certain number of these States also refer in this connection to special protective measures enjoyed by trade union officials. Moreover, the Government of *Pakistan* states that, having contemplated the adoption of legislation for this purpose, it wishes to ensure the application of the standards provided for in the Convention, within the framework of its new social policy. The Government of Thailand is considering two Bills with the same object. The reports from Burma and Ceylon do not supply any information on this point.

It would appear, nevertheless, from an examination of the reports, that the scope of the guarantees against measures of anti-union discrimination enjoyed by workers varies with the type of guarantee: whether it is a question of the guarantee which should be granted when a worker is engaged or the guarantee which should be granted against the worker being dismissed. Thus, for example, Swiss law prohibits measures of discrimination at the time of engagement but provides that the employer is not bound to give his reasons for dismissing a worker; it should be noted, however, that the Swiss Government points out that the protection established by the law may be supplemented by collective agreements containing clauses which prohibit dismissal owing to trade union activities and emphasises that these collective agreements are widely used throughout Switzerland. On the other hand, however, in Australia, Italy, Poland and Viet-Nam, workers are protected against discriminatory measures on dismissal, but the legislation contains no such guarantee at the time of engagement. This is also the case in India, where these protective measures are limited geographically, since they are only to be found in the State of Bombay Act.

In other countries the guarantees provided for the workers against measures of anti-union discrimination cover acts of discrimination at the time of engagement, at the time of dismissal and in the course of employment, but the guarantees do not cover the whole body of workers, and this may be due to the practice or to a provision of the legislation: in Indonesia for example, the law, which may be applied to all workers, provides that this protection will be ensured within the framework of collective agreements and, consequently, the only workers enjoying such protection are those who are covered by a collective agreement. On the other hand, in *Turkey* and the Union of South Africa, the scope of the legislation does not correspond with that of the Convention: in Turkey the legislative provisions for implementing the Convention do not cover all the workers in the country, and in the Union of South Africa acts of anti-union discrimination are repressed by law but the law does not cover Native workers.

In the other 34 countries under consideration the reports indicate that all the workers enjoy the guarantees provided by the Convention against acts of anti-union discrimination both at the time of engagement and at the time of dismissal, and in the course of employment.

Further, the examination of the reports received reveals the different methods by which the guarantees provided by the Convention are secured to workers. These methods vary considerably between one country and another according to the juridical procedure used (on the one hand predominance of state intervention by legislation and regulations or, on the other hand, predominance of collective agreements) and also according to the historical development of trade unionism in the various countries, the present strength of the trade union organisations, and the experience of their leaders.

In most of the countries which have reported, i.e. 28 out of a total of 47, the protection is secured by means of legislation which in many cases was enacted to give effect to provisions of the national Constitution. This is the case in *Austria, Belgium, Bulgaria, Canada, Chile, Colombia, Costa Rica, Cuba, the Dominican Republic, Egypt, Finland, Greece, Honduras, Hungary, Iceland, India (in one province), Iran, Italy, Japan, New Zealand, the Philippines, Turkey, Ukraine, the Union of South Africa, the U.S.S.R., the United States, Viet-Nam and Yugoslavia*.

The reports from five other Governments (Israel, Luxembourg, the Netherlands, *Sweden* and the *United Kingdom*) indicate that, since the workers are adequately protected both by collective agreements in which the signatory organisations mutually recognise the right to organise and by common law, it has been unnecessary to enact legislation for this purpose. Lastly, it appears that in nine other countries the two systems are combined. The guarantees provided by the Convention are either granted by law and by collective agreements, as is the case in *Denmark* and *Indonesia*, or by common law supported by legislation, as in *Brazil*, the Federal Republic of Germany and *Uruguay*, and also in *France* where a collective agreement, unless it includes a clause concerning freedom of association, cannot be extended beyond the parties to the agreement. Finally, in *Australia* and in *Poland* the strength of the trade unions supplements the guarantees established by the legislation which, in these two countries, prohibits only measures of discrimination at the time of dismissal. On the other hand, as has already been stated, in *Switzerland*, where the law prohibits discriminatory measures at the time of engagement, the guarantee against acts of discrimination in the course of employment or at the time of dismissal is ensured by means of collective agreements.

Almost all the reports received explain what is meant by protection against acts of anti-union discrimination. The means used for preventing or repressing such acts naturally vary according to the type of discrimination, whether it is a question of acts calculated to make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership, or whether it is a question of acts calculated to cause the dismissal of a worker or otherwise prejudice him by reason of union membership.

As regards discrimination at the time of engagement, in a certain number of countries, and in particular in *Finland*, the Federal Republic

of Germany, *Indonesia, Sweden, Switzerland and Turkey*, any clause stipulating that a worker must undertake to relinquish trade union membership in order to obtain employment is null and void.

With regard to dismissal of a worker owing to his membership of a trade union, in certain countries as, for example, in *Bulgaria*, dismissal of a worker for this reason is impossible, since the law enumerates a limited number of reasons for dismissal. In other countries, such as *Brazil, Japan* and the *United States*, a worker who has been dismissed for this reason may engage proceedings with a view to reinstatement in his employment.

In most countries the same measures apply equally to all acts of discrimination. In certain countries as, for example, *Brazil, Chile, Costa Rica, France, Honduras, Iceland, Japan, the Philippines and Uruguay*, a worker who has suffered from acts of anti-union discrimination may obtain damages. In *Italy* any act of anti-union discrimination must be considered illegal by virtue of the principle of freedom of association, but the report does not specify the penalties involved by this illegality. The author of an act of discrimination may also be liable to criminal penalties—a fine in *Australia, Brazil, Colombia and New Zealand*, or a fine and imprisonment in *Belgium* and *Greece*, or penalties which are not specified in the report in *Byelorussia, Canada, Ukraine, the U.S.S.R. and Viet-Nam*.

Lastly, the reports of 16 countries refer to the *de facto* situation or to established practice; this is the case when the trade unions are strong enough to render such acts of discrimination impossible, as in *Australia, Austria, Finland, Israel, Luxembourg, the Netherlands, the United Kingdom, the United States and Viet-Nam*; it is also the case in a certain number of countries where the reports state that acts of anti-union discrimination are in practice impossible owing to the system in force in those countries, as, for example, in *Bulgaria, Byelorussia, Hungary, Poland, Ukraine, the U.S.S.R. and Yugoslavia*.

To sum up, it would appear that the methods used for preventing or repressing acts of anti-union discrimination do not all have the same degree of effectiveness; generally speaking, it would appear that this effectiveness is greater when it is a question of punishing cases where workers are dismissed because of their trade union activities, whether the sanctions in question are civil or penal in character, and whether their basis is legislative or contractual. Many governments consider that the strength of the trade unions is the surest guarantee against any acts of anti-union discrimination.

*Protection against acts of interference.* Under the terms of the first paragraph of Article 2 of the Convention workers' and employers' organisations should enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration. Paragraph 2 of the Article cites as acts of interference those designed to promote the establishment of workers' organisations dominated, controlled or financially supported by an employer or an employers' organisation.

Although the first paragraph of Article 2 is designed to protect both employers' and workers' organisations, most of the reports received make no explicit reference to the protection of employers' organisations against acts of interference; some of the reports, for example that of Canada, indicate that there is no special protection for employers' organisations; other reports do not give any precise information on this point, and the terms usually employed allow the conclusion to be drawn that, as provided by the Convention, all the occupational organisations—employers' and workers'—enjoy the existing measures of protection. Most of the reports refer directly only to protection for workers' organisations. Information on this point is supplied in 36 of the reports received.

All the annual reports sent, in accordance with article 22 of the Constitution, by governments which have ratified the Convention, with the exception of the report supplied by *Egypt*, which is a voluntary report, and the report supplied by *Pakistan*, indicate that the guarantee provided for in the Convention exists. The same may be said for 22 (out of a total of 31) of the reports sent—under article 19 of the Constitution—by governments which have not ratified the Convention.

Out of the total number, 22 countries indicate that protection is ensured by legislation, either by special legislation for the purpose, as in *Australia*, *Cuba*, *Iceland*, *New Zealand* and the *United States* (both in the federal laws and in those of 50 per cent. of the States), or by the principles of civil law, as in *Greece* and *Switzerland*, by the penal law, as in *India*, or by the legislation on freedom of association, as in *Belgium*, *Finland*, *Japan* and *Turkey*, or by labour legislation or regulation of collective agreements, as in *Brazil*, *Byelorussia*, *Canada*, *Colombia*, *Costa Rica*, the *Dominican Republic*, *France*, the *Federal Republic of Germany*, *Honduras*, the *Philippines* and the *U.S.S.R.*

In the absence of specific legislative provisions, the guarantee provided by the Convention is, according to the reports, an established practice in 12 countries. In *Denmark* this protection is secured by means of "basic agreements"; in *Indonesia* it exists in so far as collective agreements containing a clause to this effect have been concluded. The reports of five countries (*Austria*, *Israel*, the *Netherlands*, *Sweden*, the *United Kingdom*) state that the strength and extent of the trade union organisations are sufficient to protect them from any act of interference. The Government of *Viet-Nam* states that the same result is obtained thanks to "the mature judgment of the trade union leaders". The Governments of *Bulgaria* and the *Ukraine* indicate that no act of interference is possible in their countries, and the *Bulgarian* Government states that "the relations between the heads of undertakings and the trade unions are based on mutual confidence and animated by a spirit of co-operation".

Finally, there is a combination of the two systems in *Luxembourg* (legislative measures and provisions inserted in collective agreements) and in *Uruguay*, where custom ensures the application of the standards established by the national constitution.

A fairly large number of the reports (25 out

of 47) supply details as to the methods employed to protect the workers' and employers' organisations against acts of interference. Ten of these reports (those of *Austria*, *Belgium*, *Finland*, *Israel*, the *Netherlands*, *New Zealand*, *Sweden*, the *United Kingdom*, the *United States* and *Viet-Nam*) state that the strength of the trade unions and their firmly established traditions constitute an effective guarantee against any acts of interference. The *Bulgarian* Government refers to the relations which exist between the trade union organisations and the heads of undertakings. In some other countries, such as *Australia*, *Brazil*, *Canada*, *France*, the *Federal Republic of Germany* and the *Philippines*, trade unions which do not show any guarantee of independence may be refused registration (*Brazil* and the *Philippines*) or be deprived of the right of negotiating collective agreements (*Canada* and the *Federal Republic of Germany*) or be refused the character of representative organisations, which involves the impossibility of extending the collective agreements concluded by such trade unions (*France*). In *Cuba* the control exercised by the Government ensures the protection of the organisations against acts of interference: when there are several trade unions in a given undertaking, the Ministry of Labour organises a referendum among the workers of the undertaking concerned in order to determine which of the existing trade unions is the most representative and which is, therefore, the only one which may be authorised to remain extant. In *Greece*, where any interference would be contrary to some of the provisions of the Civil Code and considered to be a breach of the law, the elections of the managing bodies of the trade unions are supervised by committees with judges as chairmen. In *Italy* the establishment of workers' organisations dominated by an employer or an employers' organisation would be considered to be illegal. Lastly, authors of acts of interference may be liable to various sanctions in *Byelorussia*, *Colombia*, *India*, *Japan*, the *U.S.S.R.* and the *United States* (under federal legislation).

On this point, also, the information received shows that many governments consider that the principal and most effective guarantees against acts of interference which workers' or employers' organisations may suffer are the strength of these organisations and their tradition of trade union independence.

*Machinery for the purpose of ensuring respect for the right to organise.* Under Article 3 of the Convention the guarantees provided for by Articles 1 and 2 should, where necessary, be ensured by machinery appropriate to national conditions.

Out of the 47 reports examined, 35 supplied information on this point. A considerable number of Governments—*Burma*, *Canada*, *Ceylon*, *Chile*, *Colombia*, *Costa Rica*, *France*, *India*, *Israel*, *Italy*, *Uruguay*, *Viet-Nam* and *Yugoslavia*—indicate that the Ministry of Labour and its departments are responsible for supervising the protection of the right to organise and ensuring the application of the relevant legislation in force. This task falls to the ordinary courts or the labour courts in *France*, the *Federal Republic of Germany*, *Greece*, *Hon-*

duras, Switzerland, the Union of South Africa and the United States; in Australia it is incumbent on the arbitration boards and the labour tribunals; in a certain number of countries, for example *Austria, Belgium, Canada, Denmark, Indonesia, Iran, Italy, Luxembourg, Sweden, the United Kingdom* and the United States, it is the duty of the labour relations councils and labour relations boards or the conciliation and arbitration bodies. The report from Yugoslavia states that the trade union organisations take part in the procedure provided for dismissals. Reports from five countries—Bulgaria, Byelorussia, Hungary, Ukraine and the U.S.S.R.—indicate that the trade union works committees and the higher trade union organs supervise the enforcement of the laws and regulations relating to the right to organise and to bargain collectively. Lastly, two Governments—the Netherlands and New Zealand—state that special machinery for the purpose of ensuring respect for the right to organise is unnecessary, since the development of trade unionism in these two countries is along democratic lines.

The information received shows, therefore, that none of the countries under consideration has found it necessary to establish special machinery for the purpose of ensuring respect for the guarantees established by the Convention in regard to the right to organise; in every case where such machinery may be necessary, the protection of the right to organise or the enforcement of the legislation which guarantees that right is entrusted to services or bodies which have not been established solely for this purpose but also have other functions.

#### *Guarantee of the Right to Bargain Collectively.*

The Convention under review not only defines the measures required for preventing any trade union discrimination or any act of interference between occupational organisations; it also specifies what the normal relations should be between occupational organisations of employers and of workers, and in its Article 4 it recommends the adoption for this purpose, where necessary, of measures appropriate to national conditions to encourage and promote the full development and utilisation of machinery for voluntary negotiation between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements.

All the reports received, both from countries which have ratified the Convention and those which have not ratified it, with the exception of the reports supplied by Burma, Colombia, Israel, *Pakistan* and Thailand, indicate that the national legislation encourages and regulates collective agreements. In 19 of the reports received it is explicitly stated that a system of conciliation and arbitration or of mediation has been established. This is the case in Australia, *Austria, Belgium, Canada, Chile, Costa Rica, Denmark, France, the Federal Republic of Germany, Honduras, Iceland, India, Luxembourg, New Zealand, Sweden, the Union of South Africa, the United Kingdom* and the United States. The report of the Union of South Africa, however, states that the system of conciliation

does not cover the Native workers, whose organisations, moreover, cannot be empowered to negotiate collective agreements. In *Belgium* a joint advisory committee called the "National Labour Council" has been set up. A similar organisation exists in Indonesia and in Iran. In Canada and the United States similar committees called "Labour Relations Boards" are responsible for assisting the Ministries of Labour both at the federal level and in the constituent provinces or states.

An analysis of the legislative or other provisions regulating collective agreements is given below in the General Remarks relating to the Collective Agreements Recommendation, 1951 (No. 91), on which reports from States Members were also requested.

#### *Delimitation of the Scope of the Convention.*

The terms used in the different Articles of the Convention would appear to signify that the Conference wished to make the text generally applicable. However, Articles 5 and 6 of the Convention contain special provisions relating to the armed forces and the police, and also to public servants.

Article 5 states that the extent to which the guarantees provided by the Convention shall apply to the armed forces and the police shall be determined by national laws or regulations.

Article 6 states, with regard to public servants, that the Convention "does not deal with the position of public servants engaged in the administration of the State, nor shall it be construed as prejudicing their rights or status in any way".

Among the annual reports sent in under article 22 of the Constitution by governments which have ratified the Convention, only the reports of *Finland, France, Iceland, Sweden, the United Kingdom* and *Uruguay* indicate to what extent the guarantees established by the Convention are applied to these particular categories of workers. As for the reports submitted under article 19 of the Constitution by countries which have not ratified the Convention, only those of Australia, Canada, Chile, Greece, New Zealand and Switzerland include information on this point.

It appears from the reports that in none of the countries concerned do the armed forces enjoy the right of collective bargaining. In two countries, nevertheless—*Finland* and *Sweden*—the right to organise is recognised for members of the armed forces. In Switzerland the professional officers and non-commissioned officers of the militia are entitled to establish associations on condition that no such association provides for or makes use of a strike. On the other hand, members of the police force enjoy the right to organise and to bargain collectively in Canada (in five provinces), in *Finland*, in *Iceland* (subject to certain restrictions) and in *Sweden*. The right to organise alone is granted to members of the police force in Australia, Canada (in three provinces), to the members of the police force and to public servants in *France* (within the limits of the rules of public service), in New Zealand, in the *United Kingdom* (subject to certain restrictions) and in Greece and *Uruguay* (under special regulations);



in Chile the right to organise is not granted to members of the police force but is granted to public servants within the limits of a special scheme.

### *Modifications Made in the National Legislation and Practice with a View to Giving Effect to the Convention*

Most of the reports received state that no modification has been made in national legislation or practice for the purpose of giving effect to the Convention in whole or in part. However, the Government of Israel indicates that it is intending to include certain provisions similar to those of the Convention in a general Bill on trade unions which will be drafted at a later stage. The Italian Government states that the provisions of the Convention were taken into account when a Bill on labour-management relations, which is at present before Parliament, was drafted. Furthermore, *Pakistan*, which has ratified the Convention, states in its latest report that the Government is preparing a Bill for the purpose of giving effect to the provisions of the Convention within the framework of its new labour policy. In *Uruguay* the Government is at present preparing a Bill based on the provisions of the Convention.

The Government of Thailand is considering two Bills, each of which deals with one of the two matters covered by the Convention. Finally, the Government of Iran indicates that it has taken measures with a view to encouraging the conclusion of collective agreements and that the regional labour administrations have been requested to supply employers' and workers' representatives with any advice or documentation which might promote the development of negotiation.

### *Problems Raised by the Convention and Ratification Prospects*

The reports examined also contain information with regard to : (a) the division of competence in federal States ; (b) difficulties of application ; and (c) ratification prospects.

#### *Federal States.*

Among the nine federal States which have reported on the measures taken to give effect to the Convention, four—*Austria*, the Federal Republic of Germany, the U.S.S.R. and Yugoslavia—do not indicate explicitly whether the Convention lies within the competence of the federal authorities or of the constituent states or provinces. In Australia and Canada legislative competence in the questions covered by the Convention is divided between the federal authorities and those of the provinces or constituent states. The same applies in the United States where, however, the Government indicates in its report that the independence of the judiciary enables the courts to ensure the enforcement of those provisions which guarantee the protection of the fundamental rights and freedoms of the workers in trade union matters. Lastly, in India and Switzerland, the reports state that the questions lie within the competence of the federal authorities.

### *Difficulties of Application.*

In most of the countries which have ratified the Convention the application of the standards established by it does not appear to have met with any particular difficulty. In regard to *France*, the question of certain practices in publishing undertakings was raised by the representative of a workers' organisation during the last two sessions of the Conference, who stated that these practices, in his opinion, were leading to a situation in which the workers were no longer enjoying the guarantees established by the Convention ; it should be noted, however, in this connection that, at its 130th Session (November 1955), the Governing Body approved a recommendation from the Committee on Freedom of Association according to which the allegation that the French Government has violated a ratified Convention could not be maintained. In *Pakistan*, as has already been stated, the legislative measures which the Government is proposing to take to give effect to the Convention have not yet been adopted. Lastly, in Turkey the Labour Code, which provides measures for applying the provisions of the Convention, does not cover all the workers. The Committee was also led to request some supplementary details from *Brazil*, *Egypt* and *Uruguay* ; these details will enable it to determine ultimately to what extent the application of the Convention is or is not meeting with certain difficulties in these countries.

Among the countries which have not ratified the Convention and have submitted reports under article 19 of the Constitution, the only difficulty which has been raised is the general situation of the occupational organisations, which does not allow the government to contemplate ratification of the Convention.

### *Ratification Prospects.*

The reports under article 19 for three Governments—Chile, the Federal Republic of Germany, Luxembourg—state that ratification of the Convention is proceeding and from two others—Greece and Hungary—that it is being considered. The report of the Netherlands states that, although the Government in 1951 advised against ratification, and this point of view was adopted by Parliament, the question of ratification is at present being examined once again. In fact, the Government states in its report that ratification, in its opinion, would necessitate the enactment of legislation but that such legislation appeared unnecessary, since the trade unions are sufficiently powerful to ensure respect for the principles established by the Convention. Again, Burma, Israel and Viet-Nam, while asserting that the right to organise is secured by established practice, indicate that the absence of legislation is hindering or delaying ratification of the Convention. Italy states that ratification has been made dependent on the adoption of a Bill concerning labour-management relations. New Zealand considers that the system in force in that country, which gives every satisfaction, restricts the ability of the individual worker to choose what union he will join and that it is not therefore possible to ratify the Convention. Australia refers to this same difficulty and also points out that little

use is made of collective agreements in the country where negotiation between employers' and workers' organisations is conducted generally on the basis of statutory industrial arbitration and resultant awards. Byelorussia, Ukraine and the U.S.S.R. give no precise indications as to their intentions with regard to ratification but state that, in their countries, the workers enjoy much more extensive rights than those provided by the Convention. In Switzerland the Federal Council had to postpone its decision with regard to ratification of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and therefore prefers, in view of the connection between that Convention and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), to be able to examine the two texts at the same time. Moreover, the Government considers that the ratification of Convention No. 98 would necessitate the adoption of certain modifications in the national legislation and, in particular, in some of the provisions concerning contracts of employment. Similarly, the Government of India wishes first to examine the possibility of ratifying the Freedom of Association and Protection of the Right to Organise Convention (No. 87) and to see whether officials in industrial and commercial undertakings are included in the scope of Convention No. 98; the Government adds that a decision will be taken in the near future. The Government of Iran indicates that there is no obstacle to the ratification of the Convention but that it wishes first to study the manner of applying Article 4 of the Convention and, in particular, the measures to be taken to develop the practice of concluding collective agreements. The Government of Ceylon considers that, at the present stage of development of trade unionism in Ceylon, it is not possible to ratify the Convention, and the Government of the Union of South Africa considers that the inadequate development of the Native workers who would be included in the scope of the Convention, if it were ratified, does not permit the Government to adopt the necessary legislation. Finally, among the federal States, Canada and the United States indicate that the division of competence between the federal Government and the provincial or state governments on the questions covered by the Convention does not allow those countries to contemplate its ratification.

### Conclusions

In analysing the reports which were submitted to it for examination the Committee has attempted to bring to light the different techniques and the various measures initiated—or already in use—to secure the application of the Convention: constitutional and legislative provisions, collective agreements, *de facto* situation or custom, common law or a combination of these different systems. The Committee was anxious to throw light on these different methods so as to enable countries where the guarantees provided by the Convention are not yet ensured to base their future action on such methods. However, the Committee observed that of these different procedures one appeared to be no more effective than another in ensur-

ing the full application of the standards established by the Convention. The Committee thinks it should emphasise in particular that, contrary to what appears to be the opinion of certain governments, the application of the Convention in no way necessitates the adoption of special legislation if the guarantees against acts of anti-union discrimination and against acts of interference by occupational organisations with each other are effectively secured by other methods. Indeed, this is clearly shown by the preparatory work of the Conference and, if need be, confirmed by the wording of the annual report forms adopted for this Convention by the Governing Body of the I.L.O.<sup>1</sup> Just as the procedures of application used vary with the different countries, so the extent to which each provision of the Convention is applied also varies according to the form of protection contemplated: protection of the right to organise, or protection of the right to bargain collectively.

In so far as the right to bargain collectively is concerned the Committee noted with satisfaction that, generally speaking, in almost all the reporting countries the negotiation of collective agreements is encouraged when they are not already in general use throughout the country.

With regard to the protection of the right to organise, the examination and analysis of the reports submitted to it enabled the Committee to divide the different countries which had supplied reports into a number of groups of States according to the extent to which the relevant provisions of the Convention are applied in those States.

In the first place the Convention is applied—or in process of being applied—in the 17 countries which have ratified it and which have already reported on the question. Although certain difficulties may have been met with in some cases, the Committee trusts that these will shortly be overcome and that the countries concerned will fulfil the obligations which they have assumed fully and promptly.

Secondly, among the States which have not ratified the Convention and which have submitted reports under article 19 of the Constitution—apart from the three States where ratification of the Convention is proceeding—it would appear from the information received that in some 12 of these all the provisions of the Convention are applied.

Special mention should be made of the situation in six or seven countries where trade unionism takes a particular form owing to the economic and social system of these countries and where the reports from the States concerned indicate that consequently acts of anti-union discrimination and acts of interference by occupational organisations with each other are therefore impossible.

Finally, in a last group, which is composed of seven or eight countries, the Convention is not fully applied, either because the measures

<sup>1</sup> The report form includes a question drafted as follows:

"I. Please indicate whether effect is given to the Articles of the Convention—

(a) by customary law or practice; or

(b) by legislation . . .".



of protection provided for are not applicable to the workers in certain undertakings or to the workers belonging to certain social groups, or because no measure of protection exists as yet against some of the acts of discrimination or interference covered by the Convention.

Thus it appears that the safeguards contemplated by the Convention exist in a large proportion of the 47 States which have supplied reports.

Nevertheless, the Committee would not wish this observation to lead to unduly definite conclusions on the situation as regards protection of trade union rights and freedoms in the countries considered. As has already been emphasised, the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), only deals with relations between occupational organisations and, although it recommends the adoption of measures of protection for workers taken individually, it does so only in so far as these workers belong to a specified occupational organisation which would therefore suffer indirectly from measures of discrimination which might be practised on its members.

In this connection the Committee refers to the opinion expressed in certain reports and notes that the Convention does not deal with the question of compulsory trade unionism. It should be remarked in this respect that, in 1949, the Conference Committee which drafted the text of the Convention indicated in the report which was adopted by the Conference that "the Convention could in no way be interpreted as authorising or prohibiting union security arrangements, such questions being matters for regulation in accordance with national practice".

In order to obtain a more complete view of the existing situation in the different countries as regards protection of trade union rights and freedoms, it would also be necessary to take account of the information supplied with regard to the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), which deals with the relations which should exist between the State or public authorities and the occupational organisations. In this connection it should be noted that the Committee will be required in 1957, for the second time, to examine the reports supplied under article 19 of the Constitution by the States Members which have not ratified Convention No. 87, and on that occasion the Committee will be able to supply next year a more complete picture of the way in which effect has been given to that Convention, both in the States which have ratified it and in those which have not ratified it. At the moment, however, it may be useful to indicate that the information with regard to Convention No. 87 is contained in the annual reports supplied under article 22 of the Constitution by the States which have ratified that Convention, and in the reports which were communicated in 1953 under article 19 of the Constitution by the States which had not ratified it.

In conclusion, the Committee has noted that a large number of the States which have sent reports under article 19 of the Constitution on the measures taken to give effect to the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) appear to be in a position

to ratify the Convention at the present time, which would meet the wish expressed by the International Labour Conference at its 38th Session in 1955.

## COLLECTIVE AGREEMENTS RECOMMENDATION, 1951 (No. 91)

### *Introduction*

The Collective Agreements Recommendation was adopted in 1951 as part of the extensive programme for the international regulation of industrial relations which was drawn up by the International Labour Conference in 1947. The Recommendation is closely linked to the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), which was adopted two years earlier as one of the stages of this programme. Thus the Convention, in the first place, dealt with the application of the principle of the right to organise through provisions for the protection of workers against anti-union discrimination and for the protection of employers' and workers' organisations against acts of interference and, in the second place, provided that measures should be taken for the development and utilisation of machinery for voluntary negotiations between employers' and workers' organisations; the Recommendation, on the other hand, indicates how this principle of the right to organise and to bargain collectively can be followed up by collective agreements between employers and workers or their organisations, and recommends measures for promoting the conclusion of such agreements and ensuring their application.

The Recommendation does not, however, prescribe strict rules which should be followed in promoting the conclusion of collective agreements; in fact, the adaptable nature of the Recommendation is particularly stressed in its preamble, which specifies that it may be implemented either by the parties to the agreement or by the public authorities. This manner of viewing the subject is necessary not only because of the extremely varied nature of collective bargaining machinery in different countries but also because of the purpose of collective agreements, which is to supplement rigid or detailed labour legislation by improving and uniformising standards of work while keeping them in step with changing economic and social conditions.

The Recommendation deals successively with collective bargaining machinery, the definition, effects, extension and interpretation of collective agreements, the supervision of their application and some miscellaneous provisions.

The 47 governments indicated below have, in accordance with the obligation laid down in article 19 of the Constitution, supplied reports on the position of their law and practice in regard to the Recommendation<sup>1</sup>: Australia, Austria, Belgium, Bulgaria, Burma, Byelo-

<sup>1</sup> The reports from Australia, Costa Rica, Honduras, India, Iran, Mexico, Thailand and the United States were received too late to be included in the *Summary of Reports on Unratified Conventions and on Recommendations* (Report III (Part II)) to be submitted to the 39th Session of the Conference.

Russia, Canada, Ceylon, Chile, Colombia, Costa Rica, Cuba, Denmark, the Dominican Republic, Finland, France, the Federal Republic of Germany, Greece, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Japan, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Pakistan, the Philippines, Sweden, Switzerland, Thailand, Turkey, Ukraine, the Union of South Africa, the United Kingdom, the United States, Uruguay, the U.S.S.R., Viet-Nam and Yugoslavia.

### *Contents of Reports*

The Committee was pleased to find that the reports supplied on this Recommendation were, on the whole, particularly detailed: many contained information on the matters dealt with in all the provisions of the Recommendation (Belgium, Canada, Costa Rica, France, Greece, Japan, the Netherlands, New Zealand, Norway, Switzerland, the United States), and others described at some length the national practice and legislation relating to collective agreements (Austria, Italy, the United Kingdom).

On the other hand, a number of governments have supplied reports which are limited to references to the legislative provisions in force, and which contain few comments on the manner in which this legislation is applied (Ceylon, Cuba, Honduras, Indonesia, Luxembourg, the Philippines), or which do not supply sufficient information on the manner in which collective agreements are concluded and implemented when they are negotiated on a contractual rather than a legislative basis (Burma, Finland, Iceland, Israel, Sweden, Turkey).

### *Position of Law and Practice in Regard to the Matters Dealt With in the Recommendation*

The following remarks are based solely on the contents of the reports supplied by governments and on the legislation specifically mentioned therein. Thus, for example, it will be noted that comparatively little reference is made to machinery set up by the parties themselves, even in regard to countries where such contractual arrangements are predominant, since the reports supplied contain very little information on these points.

The Committee was pleased to note the general statements made by a number of governments to the effect that the Recommendation is fully applied in their countries (Cuba, the Federal Republic of Germany, Greece, Hungary, Ireland, Mexico, etc.). However, it points out that in the General Remarks made below, which aim at giving a picture of the different national procedures, account could only be taken of specific information supplied by governments.

### *Collective Bargaining Machinery (Part I of the Recommendation).*

This part of the Recommendation provides that appropriate machinery should be established, by means of agreement or legislation, to negotiate, conclude, revise and renew collective agreements or to assist the parties in such action. It was intentionally drafted in general terms in order to cover the many types of

machinery which might exist or be set up in different countries.

It will be noted from the above that, under the Recommendation, collective bargaining machinery may be established either by means of agreements between the parties or by means of legislation. This does not of course mean that either of these methods should be adopted by any country to the exclusion of the other, and the two systems generally exist side by side. Consequently, it is not possible to draw a line of division between the countries where collective bargaining machinery is established by legislation and those where it is set up by agreement between the parties, but it can nevertheless be stated that in one group of countries the procedure is essentially of a contractual nature (Denmark, Israel, Pakistan, the United Kingdom, the United States, etc.) whilst in the other group the legislatively established machinery is preponderant (Australia, Austria, Belgium, France, the Union of South Africa, etc.).

### *Definition of Collective Agreements (Part II).*

The Recommendation defines a collective agreement as an agreement relating to working conditions and terms of employment concluded between an employer or group of employers or one or more employers' organisations on the one hand, and one or more representative workers' organisations or, in the absence of such organisations, workers' representatives on the other.

In the majority of countries the definition regarding both the parties to and the object of collective agreements corresponds on the whole with that prescribed by the Recommendation, whether the definition is laid down by law (the Federal Republic of Germany, the Netherlands, Switzerland, etc.), or whether it is the result of the practice of the parties to agreements (Belgium, Israel, Italy, the United States, etc.).

As regards in particular the object of collective agreements which, according to the terms of the Recommendation, is the regulation of "working conditions and terms of employment", an analysis of the reports supplied by governments shows that this definition is not fully applicable in certain countries where, for example, the legislation fixes wage levels which cannot be modified so that, in this respect, the collective agreement merely refers to the legislative measures in question and eventually prescribes rules to ensure their full application.

The Committee was especially interested in the definition given to collective agreements in countries with a planned economy (Byelorussia, Hungary, the U.S.S.R., etc.). Under the economic and social régime of these States the purpose of collective agreements is both wider and more restricted than that described in the Recommendation. Thus, on the one hand, such agreements constitute a means of ensuring that the undertaking's obligations towards the State and the worker's obligations towards the undertaking are fulfilled as regards the production level laid down in the state plans. On the other hand, the role of the collective agreements is more restricted when it comes to fixing working conditions and terms of employment, which

is considered to be the chief object of collective agreements under the régime envisaged in the Recommendation; for in these countries the activities of collective agreements in this field are largely concerned with ensuring that the wage rates and conditions of work fixed by the State are duly applied and with promoting matters such as housing, cultural services, etc. In short, the contents of collective agreements in these countries are more extensive as regards problems of productivity and less extensive as regards the fixing of wage rates and conditions of work.

As regards Paragraph 2 of the Recommendation, a number of governments state that the independence of workers' associations from the domination of employers or their representatives, is fully ensured in their countries (Austria, Canada, France, Japan, New Zealand, Switzerland, the United States).

### *Effects of Collective Agreements (Part III).*

This part of the Recommendation indicates how the principle of no derogation from collective agreements should be applied, describing the effect of a collective agreement on individual contracts and the extent to which clauses differing from those of a collective agreement may be maintained in contracts.

The Committee notes, from the information supplied by governments, that it seems to be a generally accepted principle that both the signatories to a collective agreement and those on whose behalf they act are bound by the agreement, as provided in the Recommendation; in most cases this is a legal obligation, but in certain countries the obligation is not enforceable through the courts as regards all or some categories of collective agreements (Ireland, Israel, the Union of South Africa, the United Kingdom). The invalidity of stipulations in contracts of employment which are contrary to the collective agreement is also recognised in nearly all the countries supplying information on this point (the Dominican Republic, France, Iceland, Indonesia, Israel, Japan, New Zealand, Switzerland, the U.S.S.R., the United States, etc.); frequently this is done in virtue of a legal requirement that the stipulations of collective agreements should be incorporated automatically in individual contracts (Austria, Ceylon, Chile, Greece, etc.). However, the reports from two governments indicate that exceptions are authorised in virtue of the terms of the agreements themselves or for other reasons (Denmark, the Union of South Africa).

The validity of conditions in individual contracts which are more favourable to the worker than those prescribed by a collective agreement is recognised in most countries but some reports state that more favourable stipulations are prohibited (Finland (in certain agreements), Japan (in certain cases), the Netherlands, Norway).

The reports from a number of countries do not refer to the possibility of individual contracts containing more, or less, favourable stipulations than those of a collective agreement; but the question is obviously immaterial when legislative provisions prescribe both maximum

and minimum conditions (Bulgaria, Ukraine, the U.S.S.R., etc.).

It is to be noted that in certain countries the parties to the agreement are alone responsible for ensuring concordance between individual contracts and collective agreements and no intervention by legislation is considered necessary (Belgium, Canada, Switzerland, etc.), but that more frequently the principle of no derogation is applied by means of legislative measures (Austria, Chile, Colombia, France, Greece, etc.).

The object of Paragraph 4 of the Recommendation, which deals with the application of collective agreements to all workers of the classes concerned in an undertaking covered by an agreement, is to solve the practical difficulties which may arise in an undertaking where the employer is bound by a collective agreement and has among his employees certain workers not covered by the agreement. There is considerable variety in the ways in which such workers in an undertaking where the employer has concluded a collective agreement are assimilated to the members of the trade unions bound by this agreement. Where legal systems are in force the law itself sometimes provides that the terms of an agreement must be observed with regard to all workers whether or not the latter are bound by the said agreement (Austria, Belgium (in some cases), Costa Rica, the Dominican Republic, Mexico, the Netherlands, the United States, etc.); such provisions may be made subject to other conditions such as the representative character of the trade union (Colombia, the Dominican Republic, Japan). In other countries effect is automatically given to this provision of the Recommendation either because unionism is compulsory (New Zealand), or because the unit for which agreements are concluded is the undertaking and all the workers of the undertaking are *ipso facto* bound by the agreement (Bulgaria, etc.). In some cases the conditions of work fixed by agreement may be applied to all the workers engaged by the employer in question in virtue of a rule established by arbitration awards, or of special clauses to this effect inserted in the collective agreements themselves, or of the general practice (Denmark, Ireland (in the case of registered agreements), Switzerland, the United Kingdom). Only one country (Belgium) indicates specifically that the contracting organisations may limit the application of an agreement to their own members, as permitted under Paragraph 4 of the Recommendation.

### *Extension of Collective Agreements (Part IV).*

This part of the Recommendation provides that, where appropriate, measures should be taken to extend all or certain stipulations of collective agreements so that they become generally binding on all the employers and workers included within the industrial and territorial scope of the agreements. It is obvious that such extension of collective agreements to third parties can only be brought about by law, whether it is by legislation conferring on the government, a Minister or a special body, the faculty of extending collective agreements to third parties, or by legislation providing that any collective agreement should

automatically be generally binding throughout the industry concerned.

The existence of measures permitting the extension of collective agreements is mentioned in the reports from a large number of governments (Austria, Belgium, Ceylon, Colombia, the Federal Republic of Germany, Indonesia, Italy, Luxembourg, Mexico, the Union of South Africa, the United Kingdom, Uruguay, etc.). Three governments state specifically that no provision is made for the extension of collective agreements (Finland, Norway, the United States) and it is also clear from other reports that such measures have not been taken either because there is no legislation relating to collective agreements (Burma, Israel, Pakistan) or because the system of collective agreements limited to one undertaking makes the procedure inapplicable (Bulgaria, Byelorussia, Ukraine, etc.).

In most of the countries where collective agreements can be made generally binding throughout the industry concerned, the national legislation prescribes conditions for extension corresponding with all or some of those described in the Recommendation. Thus the national law frequently lays down that collective agreements may only be extended if the parties to the agreement are sufficiently representative (Belgium, Canada (Quebec), Ceylon, Colombia, Costa Rica, Greece, Mexico, the Netherlands, Switzerland, etc.); it also provides in many cases that the request for extension should be made by one or more of the organisations party to the agreement (Austria, Belgium, Canada (Quebec), Costa Rica, France (or, ex officio, by the Minister of Labour), Japan, the Union of South Africa, the United Kingdom), and that the employers and workers who would be affected by an extension of the agreement should have the opportunity to submit their observations (Belgium, Canada (Quebec), Costa Rica, France, the Netherlands, Switzerland, the United Kingdom).

#### *Interpretation of Collective Agreements (Part V).*

This part of the Recommendation provides that a procedure for the settlement of disputes arising out of the interpretation of collective agreements should be established by agreement between the parties or by law.

In the great majority of countries the settlement of disputes relating to the interpretation of collective agreements is ensured directly or indirectly through legislative measures. There is, however, a substantial difference in the part played by the legal procedure, whether it provides for conciliation, arbitration, labour courts or other arrangements. Thus the reports from a small number of States indicate that all disputes concerning interpretation are settled under a procedure established by law (Bulgaria, Iceland, etc.). In many cases call is only made on the procedure established by law when the contractual procedure has proved insufficient or when the agreement makes no provision for grievance procedure (Canada, Denmark, France, Ireland, Japan, Sweden, Switzerland, the United States, etc.). In others the law sets out a model code for the settlement of disputes which may be included in collective agreements (New Zealand) or provides that a grievance machin-

ery should as far as possible be incorporated in collective agreements (the Philippines), or lays down a procedure applying only to collective agreements having force of law (Ceylon). In some countries recourse is had to the ordinary courts for the settlement of disputes on interpretation (France, Greece, Japan, the Netherlands, the Union of South Africa, etc.); this procedure is generally used as a complement to the contractual procedure established for the purpose of settling such disputes.

#### *Supervision of Application of Collective Agreements (Part VI).*

This part of the Recommendation provides that the supervision of the application of collective agreements should be ensured by the parties themselves or by bodies already existing or established for this purpose.

A fair proportion of the reporting countries indicate that the parties to collective agreements are solely responsible for the supervision of the application of such agreements, whether they act directly or through machinery set up by them for this purpose (Bulgaria, Greece, Iceland, Israel, Switzerland, the United Kingdom, the United States, etc.). In other cases the activities of the parties are supplemented by supervision carried out by the labour department or Ministry concerned (Chile, the Dominican Republic, etc.), by the inspection services (New Zealand and Yugoslavia) or by several such bodies (Austria, Italy).

The special case of collective agreements having been given force of law is mentioned in certain reports; one indicates that even for such agreements the parties bear the full responsibility for ensuring their application (Switzerland), but others state that the supervision of the application of extended agreements, as opposed to that of agreements valid only for their signatories, is entrusted to official bodies (Belgium, Canada (Quebec)).

#### *Miscellaneous (Part VII).*

These provisions, which deal with the publicising, registration and duration of collective agreements, were intended to serve as examples to governments of the measures of application which might usefully be taken in their countries.

It is therefore interesting to note that nearly all the governments which refer to the obligation on employers to bring to the notice of the workers concerned the collective agreements by which they are bound state that this is in fact required by law (Austria, Belgium, Bulgaria, the Dominican Republic, France, etc.). In many countries collective agreements must be deposited or registered (Austria, Colombia, the Federal Republic of Germany, Greece, Norway, the U.S.S.R., etc.) and the minimum duration of collective agreements is fixed by law or practice for cases in which the parties themselves have not done so (Bulgaria, Canada, Costa Rica, Hungary, Iceland, etc.).

#### *Federal States*

Reports have been received from 11 federal States: Australia, Austria, Canada, the Federal Republic of Germany, India, Mexico, Pakistan,

Switzerland, the United States, the U.S.S.R. and Yugoslavia. The Austrian Government's report states that the federal authorities are considered as appropriate for matters relating to general conciliation boards, and the provincial authorities for questions on agriculture and forestry. In Canada the subject matter of the Recommendation falls within provincial jurisdiction except, for example, where the federal government has jurisdiction over certain undertakings; the Government states that there has been no need to make any arrangements with a view to permitting co-ordinated action to give effect to all or any of the provisions of the Recommendation. In India the Union Government is responsible for legislation to give effect to the provisions of I.L.O. instruments, but the actual administration is left to the appropriate central or state authorities. The reports from Australia, Mexico and the United States indicate that the Recommendation is considered as appropriate in part for federal action and in part for action by the constituent states. In Switzerland the Confederation alone may enact legislation respecting collective agreements and their extension, but the cantonal authorities have certain powers which are subject to the approval of the Federal Council. The reports from the remaining federal states contain no information on the division of competence.

#### *Modification of National Legislation or Practice*

All the governments were asked, in the form of report, to indicate whether any measures were to be taken "to give effect to those provisions of the Recommendation not yet covered by the national legislation or practice". The reports from many countries state either that full effect is already given to the principles of the Recommendation (Cuba, France, the Federal Republic of Germany, Greece, Ireland, Japan, Mexico, New Zealand, Sweden, the United States), or that the national system is considered as satisfactory and that no modifications in the system are proposed (Austria, Canada, Denmark, Finland, Iceland, Norway, the Union of South Africa, the United Kingdom).

Among the countries where measures relating to collective agreements are being considered the Committee notes that in Belgium the re-organisation of the competence of joint committees is now being considered with a view to making all branches of activity dependent on such committees; in Ceylon the Government is considering whether action is necessary for the implementation of those provisions not yet covered by the national legislation or practice; in the Dominican Republic measures are to be taken to comply with the provisions of the Recommendation not covered by existing legislation as soon as collective agreements become a more generalised practice; in India consideration is being given to the revision of the existing trade union legislation, providing, *inter alia*, for matters relating to collective agreements; in Iran the Government is envisaging the introduction in the Labour Act of measures facilitating the adoption of collective agreements; in Israel a Bill on collective agreements and another on conciliation and arbitration are

to be laid before Parliament, giving effect to the main provisions of the Recommendation; in Italy the new trade union legislation will take into account the standards established by the Recommendation; in Pakistan the amendment of the relevant Act with a view to providing for the matters dealt with in the Recommendation is under consideration; in Thailand two Bills are being considered which contain provisions relating to collective agreements; in Turkey the Government is considering the possibility of bringing the collective agreements system into conformity with the principles laid down in the Recommendation; and in Viet-Nam the Minister of Labour is encouraging the conclusion of collective agreements on the widest possible scale. Finally, in Luxembourg and Switzerland Bills relating to collective agreements have been tabled, but the reports do not indicate whether they will affect the manner in which effect is given to the provisions of the Recommendation.

In reply to the question in the form of report relating to any modifications of the Recommendation which have been found necessary in adopting or applying it, a small number of countries draw attention to divergencies between their national legislation and practice and the provisions of the Recommendation. Thus, the report from Finland indicates that the relevant Act does not recognise as a collective agreement any agreement concluded by a temporary group of workers, that it provides that stipulations in a contract of employment which are more favourable to the worker may be prohibited, and that it makes no provision for the extension of collective agreements. The report from Ireland states that registered collective agreements only are legally binding, and that employers bound by a collective agreement are not statutorily required to bring the texts of these agreements to the notice of the workers concerned. The report from Japan indicates that the application of the Recommendation without modification is not considered appropriate in the case of persons employed in national or local public bodies. Finally, the report from Switzerland points out that the national legislation does not recognise the system of applying a collective agreement to all workers of the classes concerned employed in an undertaking bound by the agreement, and that the compulsory registration of collective agreements exists only in certain cantons.

#### *Conclusions*

As already indicated, the Recommendation was drafted with a view to defining certain basic principles on the subject of collective agreements, whilst endeavouring to conciliate the different methods by which effect is given to these principles. Consequently, the reports examined by the Committee show that, while the legislation and practice of the reporting countries generally conform with the principles of the Recommendation, they do not follow a given pattern. Moreover, it should not be assumed that any one of these methods is necessarily more consistent with the text of the Recommendation than another.

Thus, the Committee is struck by the exist-

ence in 42 of the 44 reporting countries of the practice of regulating conditions of work and terms of employment by means of collective agreements, but notes that several general differences between these countries nevertheless subsist.

The first and most notable difference lies in the extent to which recourse is had to the system. Thus in some States, where the importance of, and need for, the practice was recognised already during the last century, the collective agreements procedure has reached a high level of development; in others, where industry has only been developed in comparatively recent years, it is clear that the present machinery, whether established by law or by contractual arrangement, should be considered merely as the foundation on which future relations between employers and workers are to be built.

Another general difference to be noted in the working of the system of collective agreements, lies in the extent to which recourse is had to legislative measures with a view to facilitating the conclusion of agreements or ensuring their full application. This difference is to some degree linked to the first since it is frequently in those countries where the process of industrialisation and trade unionism were first established, or in the countries which have felt their direct influence, that reliance is placed on the tradition and strength of the workers' and employers' organisations rather than on legislation. It is clear, of course, that this is a difference of method and that the object, that is the regulation of working conditions by means of collective agreements, remains the same in both types of procedure.

A third and more fundamental difference brought to light in the reports on the Recommendation relates to the actual conception of collective agreements. Thus it appears that in the countries of Eastern and Central Europe, where the whole framework of the economy and of labour relations differs basically from that in the other reporting countries, collective agreements are considered as an instrument to ensure the application of state-fixed labour standards and levels of production and for the promotion of matters such as improved housing and cultural services, rather than as a means of fixing conditions of work and wages on a bipartite basis.

Finally, the Committee notes that a number of reports indicate that new legislative measures relating to collective agreements are being considered, or are in process of adoption, or that steps are being taken to promote the practice of collective agreements; it also appears that even in those countries whose reports do not refer to such measures, the authorities and the organisations concerned are aware that the practice of regulating conditions of work through collective agreements can usefully be extended to other categories of workers.

EQUAL REMUNERATION CONVENTION, 1951  
(No. 100) AND RECOMMENDATION, 1951 (No. 90)

### Introduction

Before undertaking an analysis of the 89 reports supplied by 46 governments on the measures taken in the field of the Equal Re-

muneration Convention and Recommendation, 1951, the Committee considers it useful to recall briefly the events which culminated in the adoption of these important instruments and to bring out the main points with which they deal.

For the past 40 years or so the question of equal pay for men and women doing work of equal value has been receiving increasing attention, by reason of its economic and social implications. Efforts to implement this principle aim at preventing the levelling down of men's wages by the employment of women at lower rates, at promoting labour mobility, and at ensuring the efficient utilisation of manpower. Equally important, in view of the frequently low level of women's wages, the implementation of the principle increasingly appears, to public opinion and to governments alike, to be a simple measure of social justice. It was for these and similar reasons that the original Constitution of the International Labour Organisation, adopted in 1919, already included in its article 41, among the general principles "of special and urgent importance", the principle that "men and women should receive equal remuneration for work of equal value". And the Constitution as amended in 1946 refers, in its preamble, to the recognition of the same principle as one of the means of improving conditions of labour which involve "injustice, hardship and privation to large numbers of people".

Several texts voted by the International Labour Conference prior to those which form the subject of the present review contain specific reference to equal remuneration. Thus the Minimum Wage-Fixing Machinery Recommendation, 1928 (No. 30) calls the attention of governments to this principle; the Employment (Transition from War to Peace) Recommendation, 1944 (No. 71) suggests that steps should be taken to encourage the establishment of wage rates on the basis of job content, without regard to sex. The Social Policy in Dependent Territories (Supplementary Provisions) Recommendation, 1945 (No. 74) enunciates a similar principle and calls for the lessening of any existing differences in wage rates due to discrimination by reason of race, religion or sex; finally, the Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82) lists the abolition of discrimination on grounds, *inter alia*, of sex as an aim of policy, and requires wage rates to be fixed according to the principle of equal pay for work of equal value, to the same extent to which this principle is applied in the metropolitan territories. In addition, resolutions reaffirming the principle were adopted by the International Labour Conference in 1937, 1939, 1947 and 1948, by Conferences of American States Members of the I.L.O. in 1939 and 1946, by the Preparatory Asian Conference in 1947, and by the Regional Meeting for the Near and Middle East the same year.

Interest aroused by this question in the United Nations also resulted in the adoption by the Economic and Social Council, in the spring of 1948, of a resolution requesting the I.L.O. to "proceed as rapidly as possible with the further consideration" of the principle of equal remuneration, and in the inclusion in the Universal Declaration of Human Rights, adopted by the



General Assembly in December 1948, of a provision that "everyone, without any distinction, has the right to equal pay for equal work".

It was in this same month that the Governing Body of the International Labour Office decided to place the question of equal remuneration on the agenda of the International Labour Conference. Following a first discussion in 1950, the Convention and the Recommendation on the subject were adopted in 1951, and attention has since been focused on the implementation of these Conference decisions by the member States.

Within the I.L.O. itself, the Textiles Committee has referred to the Convention and the Recommendation. In the United Nations the Economic and Social Council has adopted a number of resolutions calling for the application of the principle of equal pay for equal work; in August 1955, for instance, it urged governments to take legislative or other measures to this end, and encouraged non-governmental organisations to continue their efforts to create an informed public opinion in favour of it. Similar appeals were made by the Organisation of American States and its Inter-American Commission on Women. Among the non-governmental organisations which have expressed themselves in favour of the speedy implementation of the principle figure, aside from trade union organisations, the International Alliance of Women, the International Council of Women, the International Federation of Business and Professional Women and St. Joan's Alliance.

To turn now to the provisions of the Convention and Recommendation: the former, after defining the terms "remuneration" and "equal remuneration", describes the methods whereby States should promote and, where consistent with the existing wage-fixing system, ensure the application of the principle of equal remuneration. The Recommendation supplements the Convention by indicating in greater detail what action can be taken to give effect to the principle in those spheres where the government exercises direct or indirect control, and to further its implementation in a practical way through job analysis, training and welfare measures, investigations, etc.

It will be noted that the Convention does not require a ratifying country to guarantee the implementation of the principle to all women workers of the country, but limits such a requirement to those areas of the economy where the government is in a position to exert direct or indirect influence on the level of wages. In thus circumscribing the objective of the Convention, the Conference not only wanted to make it possible for a maximum number of states to ratify the Convention but it recognised as well that a solution of the equal pay problem must be sought through legislative and economic measures alike, and that a gradual step-by-step approach is most apt in many cases to achieve ultimate success.

The Equal Remuneration Convention entered into force on 23 May 1952. It has so far been ratified by ten countries: Austria, Belgium<sup>1</sup>,

Bulgaria, Cuba, the Dominican Republic, France<sup>1</sup>, Mexico, the Philippines, Poland and Yugoslavia.

### Reports Received

Out of the 60 States which have not ratified the Convention, and from which reports were requested, 38 supplied reports on it under article 19 of the Constitution: Australia<sup>2</sup>, Bulgaria<sup>3</sup>, Burma, Byelorussia, Canada, Ceylon, Chile, Colombia, Costa Rica<sup>2</sup>, Denmark, Finland, the Federal Republic of Germany, Greece, Honduras<sup>2</sup>, Hungary, Iceland, India, Indonesia, Iran<sup>2</sup>, Israel, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Pakistan, Sweden, Switzerland, Thailand<sup>2</sup>, Turkey, Ukraine, the Union of South Africa, the United Kingdom, the United States<sup>2</sup>, Uruguay, the U.S.S.R., Viet-Nam.

Seven States which have ratified the Convention supplied annual reports under article 22 of the Constitution: Austria, Belgium, the Dominican Republic, France, Mexico, the Philippines and Yugoslavia. While full account is taken of these reports in the survey below, the Committee's individual observations on the information received will be found in Appendix I. Two other ratifying countries, Cuba and Poland, are not called upon to submit an annual report until later this year; Bulgaria has communicated information, as noted above, under article 19.

Forty-four governments have supplied reports under article 19 of the Constitution on the effect given to the Recommendation. These include Cuba and all the reporting countries enumerated in the preceding paragraphs, with the exception of the Philippines and Yugoslavia, which have reported on the Convention under article 22.

The total number of Members from which information is available thus stands at 46, and all but three of these have reported on the effect given to both the Convention and the Recommendation.

### Content of Reports

In reading the analysis which follows it should be borne in mind that a survey such as this is limited strictly to the information supplied by governments in their reports, and that these reports vary considerably in presentation and detail. Leaving aside the annual reports by ratifying countries, which are based on a special questionnaire, the Committee finds that the amount of information available to it ranges from detailed statements containing information on the effect given to the various provisions of the Convention and the Recommendation, such as those of Australia, Canada, Den-

<sup>1</sup> Under a declaration communicated by the French Government the Convention is applicable without modifications to the following four territories: French Guiana, Guadeloupe, Martinique and Réunion.

<sup>2</sup> The reports from these countries were received too late to be included in the *Summary of Reports on Unratified Conventions and on Recommendations* (Report III (Part II)) to be submitted to the 39th Session of the Conference.

<sup>3</sup> The ratification of the Convention by Bulgaria was registered on 2 November 1955.

<sup>1</sup> Under a declaration communicated by the Belgian Government in accordance with article 35 of the Constitution of the I.L.O., the Convention is not applicable to the Belgian Congo or Ruanda-Urundi.

mark, the Dominican Republic, the Federal Republic of Germany, Japan, New Zealand, Norway, the United Kingdom and the United States, to the very brief reports received from Colombia, Cuba, Honduras, Iceland, Indonesia, Iran, the Netherlands, Thailand, Sweden and the Union of South Africa. Any apparent disproportion in the frequency with which certain countries are mentioned below may therefore be due not so much to an absence of measures in some countries to implement the equal pay for equal work principle as to the limited amount of information available on such measures.

### *Position of Law and Practice in the Various Countries*

The information supplied by governments on the law and practice in regard to the matters dealt with in the Convention and the Recommendation is analysed according to the order followed in these texts.

#### *Definitions (Article 1 of the Convention).*

The term "remuneration" is defined as including the basic wage or salary as well as any additional emoluments in cash or in kind. The corresponding definition quoted in some reports (Canada, Colombia, Costa Rica, Japan, *Mexico*<sup>1</sup>, New Zealand) give the same or a similar meaning to the term.

Article 1 also states that the term "equal remuneration for men and women workers for work of equal value" means rates of remuneration established without discrimination based on sex. The value of the work is related in the definitions quoted by some reports to its quantity and quality (Bulgaria, Ukraine, the U.S.S.R., Viet-Nam). In other cases work of equal value means identical or similar work (Burma, Chile, Iran), the same or comparable work done for the same establishment (three Canadian provinces), or equal work taking into account function, hours of work and efficiency (Colombia, Costa Rica, the *Dominican Republic*, *Mexico*, Turkey). In Uruguay equal work is defined as equal output.

#### *Promotion and Application of the Principle of Equal Remuneration (Article 2 of the Convention; Paragraphs 1 to 4 of the Recommendation).*

*Article 2 of the Convention* calls for the promotion and—in so far as is consistent with the wage fixing methods in operation—for the application to all workers of the principle of equal remuneration. Such application may be by means of legislation, wage fixing machinery collective agreements, or any combination thereof.

It is clear that use is made of one or several of these methods in most of the reporting States. Sixteen countries indicate that the principle of equal remuneration figures in the nation-

al constitution: Bulgaria, Burma, Byelorussia, Costa Rica, Cuba, *France*, the Federal Republic of Germany, Hungary, India, Indonesia (provisional constitution), Italy, Japan, *Mexico*, Ukraine, the U.S.S.R. and *Yugoslavia*.

In so far as application by national law or regulations is concerned, several of the above countries listed, as well as 11 others, report that there exists legislation to implement the principle: Australia (Queensland), Bulgaria, Canada (three provinces), Chile, Colombia, Costa Rica, the *Dominican Republic*, *France*, Hungary, Iran, Japan, *Mexico*, the *Philippines*, Turkey, the United States (16 States and one territory have equal pay laws which usually exclude agricultural and domestic workers) and Viet-Nam. In Honduras the Charter of Labour Guarantees lays down the principle of equal pay for equal work. However, in Burma and India, where the constitution upholds the principle, no legal provisions exist as yet in regard to it.

Application of the principle through legally established or recognised machinery for wage determination is specifically reported by Australia (Queensland), Bulgaria, Chile, Hungary, and Viet-Nam. The principle is given partial effect to in this way in Ceylon (skilled labour), Greece (some banks, private corporations, etc.), India, New Zealand (17 awards out of some 600), Turkey and Uruguay.

In the field of minimum wages 11 countries report that the same minimum wage rates apply to men and women workers: *Austria*, Canada (three provinces), Chile, Costa Rica, the *Dominican Republic*, *France*, India (many unorganised and small-scale industries), Luxembourg, the United Kingdom (some employments), the United States (federal legislation) and Viet-Nam. Legislation in *Belgium* which provided for different minima was repealed in 1954. Ceylon indicates that wage boards are empowered to apply the principle of equal remuneration if they so desire but does not specify whether this has in fact been done. Pakistan states that the principle cannot be applied in this way when it has not even been possible to establish ordinary wage fixing machinery.

In view of the paramount role played by collective agreements in the determination of rates of remuneration (cf. above the Committee's Remarks concerning the Collective Agreements Recommendation, which was adopted at the same session of the Conference as the Equal Remuneration Convention and Recommendation), implementation of the principle depends in many countries on its introduction in these agreements. All the agreements negotiated in *Austria*, Chile, the *Dominican Republic*, *France*, Japan and Viet-Nam provide for equal remuneration. Eight countries indicate that a certain proportion of the agreements negotiated between employers and workers incorporate the principle of equal pay: *Belgium*, Canada, the Federal Republic of Germany, Iceland, Israel (almost all agreements covering skilled labour), Italy, the United Kingdom and the United States (one-fourth of all agreements). In Denmark, Finland, New Zealand and Sweden the collective agreements for a few occupations only contain the principle.

*Paragraph 1 of the Recommendation* calls for

<sup>1</sup> The names of Members which have ratified the Convention are italicised when mentioned in connection with it.



the application of the principle to all employees of central, state, provincial or local government departments or agencies where these have jurisdiction over rates of remuneration. Twenty-three reports specify that the principle is applied to persons employed by the central government : Austria, Belgium, Canada (civil servants), Ceylon (all except unskilled workers), Chile, Denmark (civil servants), the Dominican Republic (by custom, not legislation), Finland (public officials), France, the Federal Republic of Germany (employees), Greece (including employees of public corporations), Iceland, Israel (civil service), Italy, Japan, the Netherlands, Norway, the Philippines, Turkey, the United States (classified civil service and employees of the Defence Department), Uruguay, Viet-Nam and Yugoslavia. The consultation of workers or their organisations suggested in this Paragraph of the Recommendation is only mentioned in the reports of Belgium, the Netherlands and the United Kingdom.

In the United Kingdom a scheme was brought into force as from 1 January 1955 whereby the existing women's scales for the non-industrial Civil Service are increased by seven equal annual instalments, so that by 1 January 1961 these scales will be identical with those of men ; the pay of the Government's industrial employees, including women, is related to the rate of pay in the appropriate outside trade. In India central ministries and state governments have been requested to take the principle into consideration whenever wages are fixed under their control. A Bill now under review in Turkey is to provide for the application on a more objective basis of the equal pay principle to all officials and employees in the state sector including communes and economic undertakings. The Government of Pakistan states that in the absence of any wage fixing machinery the application of the principle of equal remuneration to central, provincial and local government departments or agencies is not feasible.

In so far as state or provincial government employees are concerned, Austria, Belgium and the Federal Republic of Germany (employees) indicate that the principle is applied to them, whereas one Australian state (Queensland), some Canadian provinces and more than half of the states of the United States follow a similar policy. Fourteen countries report that local governments pay equal rates of remuneration to their men and women employees : Austria, Belgium, Chile, Denmark (if paid in pursuance of state-approved regulations), the Dominican Republic (by custom), Finland (public officials), France, the Federal Republic of Germany (employees), Israel, Italy (executive, supervisory and subordinate staff), Japan, Norway, the United States (school teachers in 16 states and the District of Columbia) and Uruguay. In the United Kingdom equal pay for non-industrial women employees of local authorities is to be introduced by stages similar to those for the Civil Service referred to above ; corresponding arrangements are also being made in the Public Education and the National Health Services (except for domestic and ancillary staff). The Italian Ministry of the Interior has issued instructions calling upon departments to observe the principle of equal remuneration

as regards the " lower grades ", such as nursing, labouring and other manual work.

*Paragraph 2 of the Recommendation* calls for the application of the principle of equal remuneration, as rapidly as practicable, in all occupations in which rates of remuneration are subject to statutory regulations or public control. The establishment, under public authority, of minimum or other wages in industry and services constitutes one such method of application. In addition to the countries mentioned in this connection above, under Article 2 of the Convention, Greece (apprentices in industry and handicrafts), Japan, Norway (minimum rates for industrial home work) and Uruguay (home work) refer in their reports on the Recommendation to instances where equal wage rates are fixed in this way.

A further method mentioned in this Paragraph of the Recommendation whereby application of the principle might be ensured by public authority is in the case of wages fixed for industries and undertakings operated under government ownership or control. General implementation is reported in this connection by Austria, Chile, France, Japan, Turkey, Uruguay and Yugoslavia, and implementation on a sizable scale by Canada, Norway and the United Kingdom. In India the state governments and the central ministries which employ manpower have been asked to take the principle into consideration when wages are fixed under their control.

Equal remuneration might, under the same Paragraph of the Recommendation, also be secured in the case of wages fixed for work executed under the terms of public contracts. Austria, France, Japan and Uruguay mention such application in all the relevant cases, whereas the United States report indicates that most of the public contracts let by the federal Government call for equal remuneration, at least where minimum wages are concerned.

*Paragraph 3 of the Recommendation* suggests that in cases where the methods in operation for the fixing of wages so permit, provision should be made by legal enactment for the general application of the principle of equal remuneration, and that the competent public authority should take steps to inform employers and workers of such legal requirements, as well as to advise them on their application. The countries where the principle is applied by law were enumerated above under Article 2 of the Convention. As regards information and advice on the relevant legislation, to be given to employers and workers, Belgium, Canada (three provinces), Japan, the Philippines and the United States (some state equal pay laws) specifically report such action.

*Paragraph 4 of the Recommendation* suggests that, in cases where the immediate implementation of the principle is not deemed feasible in respect of the employment covered by the preceding Paragraphs of the Recommendation, provision should be made for the progressive application of the principle by such measures as decreasing the wage differentials applying to men and women for work of equal value and by providing equal increments for men and

women workers performing work of equal value. Belgium, Canada, Denmark, Ireland, Italy, Norway, Sweden and the United States indicate in this connection that wage differentials in collective agreements are being decreased. Australia reports that the differentials between the male and female basic wages have been decreasing in recent years. In Finland a Cabinet Order of 1954 recommends the application of the equal pay principle when collective agreements are re-negotiated.

In the United States seniority clauses apply equally to men and women in most union contracts. The Danish report points out that cost-of-living allowances in the collective agreements negotiated for 1954-56 are the same for men and women.

*Objective Appraisal of Jobs* (Article 3 of the Convention and Paragraph 5 of the Recommendation).

*Article 3 of the Convention* calls for the promotion of the objective appraisal of jobs on the basis of the work to be performed, in cases where such action will assist in giving effect to the provisions of the Convention. The methods to be followed in this appraisal are to be decided by the authorities or by the parties actually concerned with the determination of rates of remuneration, and any differential rates which correspond to differences in the work to be performed shall not be considered contrary to the principle of equal remuneration. *Paragraph 5 of the Recommendation* specifies that the aim to be attained by job analysis or other related procedures if resorted to should be the establishment of a classification of jobs without regard to sex, and stresses the necessity of applying these methods in agreement with the employers' and workers' organisations concerned, and in accordance with the provisions of Article 2 of the Convention.

Many reports recognise the basic importance of job analysis in any attempt to give fuller implementation to the principle of equal remuneration, but only the United States report indicates that it is very widely used; the Netherlands and *Yugoslavia* refer to the current use and Norway to the limited use made of it so far. *Mexico* states that workers are classified in collective agreements according to the quality of the work. While no specific measures have been taken by the federal or provincial governments in Canada (except as regards the federal civil service) there is considerable interest in this method on the part of both industry and trade unions. The Governments of the *Dominican Republic*, Israel, Japan and the United Kingdom make information on job evaluation techniques available to employers and workers, who are free to decide on the methods followed in applying them. In India some state governments have designated officials who investigate cases on the basis of job appraisal. Without mentioning job appraisal as such, the Costa Rican report states that the Wages Office of the Ministry of Labour and Social Welfare constantly studies all the factors which are of relevance in fixing minimum wages. The Iranian Labour Act provides for the objective evaluation of jobs.

The Government of *Belgium* proposes to carry out an inquiry comparing the value attributed to the different occupations under the criteria established by the General Technical Committee (on the basis of an objective appraisal) and the value attributed to those same occupations when performed by women. The Viet-Nam Government is also considering what methods to follow in this field. Canada and Japan make special reference to the use of job appraisal and classification in regard to salary scales for civil servants, and Turkey in regard to the wages paid by the railways and other state-owned or controlled undertakings. The Finnish report states that it has not been possible so far to establish a satisfactory classification system for the public service. The Federal Republic of Germany, in an attempt to promote the equal pay principle, has made suggestions for the setting up of a tripartite study and inquiry commission on job evaluation whose conclusions might assist management and labour in their wage negotiations. Burma, Ceylon, Denmark, Greece and Pakistan have not found it possible so far to utilise job evaluation methods. The Danish Government is favourable to co-operative action with employers and workers, looking to the establishment of such methods. The *Austrian* Government considers such measures unnecessary, since the Convention is fully applied.

*Other Measures to Promote the Principle of Equal Remuneration* (Paragraphs 6 to 8 of the Recommendation).

*Paragraph 6 of the Recommendation* enumerates a number of other steps designed to raise the productive efficiency of women workers with a view to facilitating the application of the principle of equal remuneration. One set of measures calls for equal or equivalent facilities for workers of both sexes in regard to vocational guidance and training and to placement. Nineteen countries (Australia, Austria, Belgium, Bulgaria, Canada, Chile, Denmark, the Dominican Republic, the Federal Republic of Germany, Greece, Italy, Japan, Norway, Pakistan, Switzerland, the United Kingdom, the United States, Uruguay, Viet-Nam) indicate that women workers are not discriminated against in this respect.

Paragraph 6 further recommends that women should be encouraged to use the facilities mentioned above. Reference to such encouragement is made in the reports of Australia, Belgium, the Dominican Republic, the Federal Republic of Germany, Japan, Norway, Pakistan, the United Kingdom and Uruguay.

Another method suggested for raising the productive efficiency of women workers is the provision of welfare and social services which meet their special needs, and the financing of these services from general social security or industrial welfare funds to which contributions have been made in respect of workers without regard to sex. Eighteen countries (Austria, Belgium, Bulgaria, Byelorussia, Canada (to a limited extent), Denmark, the Federal Republic of Germany, Greece, Hungary, Italy, Japan, Norway, Switzerland, Ukraine, the U.S.S.R., the United Kingdom, the United States, Uruguay) refer to the welfare and social ser-

vices provided for women. Some reports indicate that not all these services are financed from public funds but are also provided by the employer (Belgium, the Federal Republic of Germany, Norway) or by private agencies (Canada, the Federal Republic of Germany, Norway, the United States). In Australia special welfare facilities are generally financed by employers. Pakistan states that public funds are not available for this purpose.

The same Paragraph of the Recommendation calls, finally, for the promotion of equal access to occupations and posts for men and women workers, subject to the international and national provisions concerning the protection of the health and welfare of women. Austria, Belgium, Bulgaria, Byelorussia, Denmark (civil service), the Dominican Republic (public administration), the Federal Republic of Germany (especially in the public administrations), Italy (except for judicial functions), Japan, Norway, Pakistan, Switzerland, Ukraine, the U.S.S.R., the United States, Uruguay and Viet-Nam indicate that effect is given to this suggestion. Belgium admits that in fact some discrimination continues to exist in this respect and that the provincial governors have been asked to ban it from the public services. The United Kingdom states that equal access to jobs is promoted so far as possible having regard to industrial practice and conditions.

*Paragraph 7 of the Recommendation* suggests that every effort should be made to promote public understanding of the grounds on which the principle of equal remuneration should be implemented. The Federal Republic of Germany, Japan, the Philippines and the United States indicate that such efforts are being made. In Belgium the ratification of the Convention and its communication to the National Labour Council have led to the publication of a number of informative articles on the question. The Dominican Republic feels that such promotional measures are not required, since public opinion accepts the equal pay principle as natural and logical. The Danish report states that, in view of the traditional wage fixing process, the Government has not felt it necessary to take any of the measures referred to in this and the following Paragraph of the Recommendation. Australia and Switzerland consider that it is not for the State but for the organisations concerned to promote the application of the principle, while the Pakistan Government finds it difficult for administrative reasons to pursue such a policy with any great vigour.

Finally, *Paragraph 8* recommends the undertaking of such investigations as may be desirable to promote application of the principle. Japan, the Philippines, the United Kingdom and the United States refer to research work directed to this end. The Canadian Government, which established a Women's Bureau in 1954, deems the promotion of research and of thoughtful discussion desirable. Switzerland feels that it would not be appropriate for the State to carry out such research, whereas in Pakistan financial considerations prevent investigations of this nature.

### *Co-operation with Employers and Workers (Article 4 of the Convention).*

The Convention requires Members to co-operate as appropriate with the employers' and workers' organisations concerned for the purpose of giving effect to its provisions. Such collaboration is specifically mentioned by Australia, Austria, Belgium, Canada, Chile, the Dominican Republic, Finland, Indonesia, Iran, Japan, Mexico, Netherlands, Turkey and Uruguay. Bulgaria, the Philippines and Viet-Nam mention only co-operation with the trade unions.

As will be noted below in connection with the measures taken to give fuller effect to the principle of equal remuneration, a number of Governments (the Federal Republic of Germany, Iceland, Israel, the Netherlands, Norway, Sweden) have asked the employers' and workers' organisations to assist them in a joint study looking to the implementation of the principle.

### *Methods of Supervision*

The regular labour inspection service, which as a rule is placed under the control of the Ministry of Labour, is the authority most generally referred to as responsible for the supervision of the application of the legislation, regulations, etc., in the field of the Convention and the Recommendation: Australia, Austria, Belgium, Bulgaria, Burma, Chile, Costa Rica, Cuba, the Dominican Republic, Finland, France, Japan, Mexico, the Philippines, Turkey, the United States, Viet-Nam. A special Women's (and Children's) Service is mentioned by Canada, Chile, the Dominican Republic, Japan, the Philippines and the United States.

Certain reports refer in this connection to the State Crown Law Departments (Australia), to a special complaint procedure (three Canadian provinces), a court of arbitration (Denmark), labour courts (the Federal Republic of Germany), industrial tribunals (India) or conciliation boards (Mexico). In Austria control is also exercised through the supervision of collective agreements. In the United Kingdom, Wage Councils' Regulations are enforced by the wages inspectors. The application of the principle to public officials is supervised in Belgium by the Ministries or authorities concerned, in the Netherlands by the Ministry of Interior and in the United States by the Civil Service Commission.

### *Federal States*

The Federal Republic of Germany states that measures in the field of the Convention and Recommendation are taken at the federal level. In Australia, Canada, India, Pakistan and the United States the central Government shares competence in this matter with the constituent provinces or states.

### *Difficulties Preventing the Application of the Principle of Equal Remuneration*

The obstacle most frequently mentioned (Burma, Ceylon, the Federal Republic of Germany, India, the Netherlands, Pakistan) is the absence

or insufficiency of job appraisal machinery, which the countries concerned regard as an important part of any concerted effort to give full practical effect to the principle. Burma also points in this connection to the need for a survey of the numerical importance of female labour and of wage differentials in the various occupations.

Three Scandinavian countries (Denmark, Norway, Sweden), as well as Switzerland and the United Kingdom, stress the fact that under their system of industrial relations the terms and conditions of employment are primarily determined by voluntary collective agreements between employers and workers, without outside influence. In the opinion of the governments concerned it would not be appropriate for them to intervene in these negotiations in order to ensure the application of the principle of equal remuneration.

The Netherlands Government fears that the enforcement of the principle would impose heavy burdens, both social and economic, on the private sector of the economy, where it is generally not applied; its introduction should therefore be on a prudent step-by-step basis and should involve the use of job classification. In Australia the arbitral tribunals which determine the wages of almost all employees have not so far accepted the principle in their awards. The report of the Union of South Africa merely states that the principle is not regarded as applicable at the present time nor is it intended to adopt any measures to give effect to it.

#### *Modifications Made in the National Legislation and Practice*

Apart from the cases referred to below where action to give effect to the equal remuneration principle is under way or contemplated some reports point out that efforts to this end have already borne fruit. In *Belgium*, for instance, the National Labour Council, at the request of the Government, is carrying out studies of so-called "mixed occupations" performed by men and women alike, and the Government has also recommended the Joint Occupational Councils to take account of the principle of equal pay in the collective agreements negotiated by them. In addition, legislation fixing different minimum wages for men and women has been repealed. The equal pay Acts adopted in the Canadian provinces of British Columbia, Ontario and Saskatchewan were all passed after 1951 and advocates of this legislation referred to the existence of an international labour Convention on the subject. The report of the Federal Republic of Germany cites, as evidence of the way national practice is changing along the lines of the Convention, the increasing number of collective agreements which are based on the principle of equal remuneration. The explanatory memorandum concerning the Grand Ducal Order of August 1951, which initiated the progressive application of the principle in Luxembourg, made express reference to the provisions of the Convention. The Turkish report indicates that the modification introducing the equal pay principle in the Labour Code, as well as the new regulations issued in pursuance thereof, were made with a view to giving effect to the Convention. Reference should also be made in this

connection to the progressive application of the principle in the non-industrial Civil Service in the United Kingdom. The United States report points out that, in addition to the 12 states which had equal pay laws prior to the adoption of the Convention, Arkansas, Colorado, New Jersey and Oregon have passed such laws since 1952. The Australian report states that since the adoption of the Convention equal remuneration for work of equal value has been awarded to very limited groups of workers.

#### *Measures Contemplated to Give Fuller Effect to the Principle of Equal Remuneration*

In the legislative field, federal equal pay legislation requiring private employers in interstate commerce to apply the principle has been introduced in every session of the United States Congress since 1945 and has been supported by the Departments of Labor, by the trade unions, by women's organisations and by civic groups. This legislation has not yet been enacted.

In India the Tripartite Committee on Conventions recommended in 1954 progressive action by state governments, central ministries and industrial tribunals to apply the principle of equal remuneration; these measures would cover wages fixed under the control of the authorities mentioned and would include job evaluation.

Five Governments (*Belgium*, the Federal Republic of Germany, Israel, the Netherlands, Viet-Nam), which consider that the fixing of wage rates on a more equitable basis requires action in the field of job evaluation and classification, are taking steps to develop and improve the relevant techniques. The Japanese report stresses the importance of rationalising the wage structure and of giving administrative guidance in the application of the principle of equal remuneration.

Six Governments (the Federal Republic of Germany, Israel, the Netherlands, Norway, Sweden, Switzerland) have asked *ad hoc* or existing committees to consider the problems implicit in giving wider effect to the principle. In four cases the report indicates that employers' and workers' representatives participate in these deliberations. The Netherlands Government intends to promote the introduction of the principle with the help of the Labour Foundation, a voluntary labour-management co-operation body. The advisory committee appointed in Switzerland includes women members. The Swedish report on the effect given to the Convention and Recommendation was drafted in collaboration with the most representative organisations of employers and workers, whose views are appended to it: the organisations in question are in agreement that wages should be determined by collective bargaining and not by legislation and that the equal pay principle should form the basis for wage adjustments between men and women workers. Comments on the Israel Government's report submitted by the General Federation of Labour recognise that in the few cases where women receive lower wages than men their work is easier or not of equal value; the Federation adds that, in the exceptional cases where the trade union has not secured application of the equal pay principle, its efforts to this end continue.

Six reports (Australia, Denmark, Greece, Iceland, Norway, the United States) make specific mention of efforts by the trade unions to further the application of the equal pay principle. These efforts have taken various forms, such as promotion of the principle during wage negotiations, support for equal pay legislation, requests for the ratification of the Convention, etc. It may also be noted in this connection that the management associations in the United States endorse the principle of equal remuneration and advocate its voluntary acceptance by their membership.

### *Ratification Prospects*

Three Governments (Chile, Iran, Italy) have asked their parliaments to approve the ratification of the Convention. In Hungary the procedure for ratification is also under way. The Chilean Government informed the International Labour Office in 1954 that it accepts the Recommendation.

The Minister of Labour of Honduras declares that he is in favour of ratifying the Convention. Turkey and Viet-Nam state that they hope to ratify in due course. The Norwegian Parliament unanimously adopted a recommendation that steps should be taken to prepare the ground so that the Convention may be ratified in the near future; to this end the governmental and industrial bodies concerned with wage fixing were informed in 1953 of the requirements of the Convention. A final decision on the question of ratification has, however, been deferred pending publication of the findings of a Royal Commission on Equal Remuneration appointed in 1949. In Finland a special committee is studying the possibility of taking such action. The Federal Republic of Germany states that ratification will be possible when its measures to initiate inquiries on job appraisal have come to a satisfactory conclusion; it adds that it will make all efforts to achieve this aim.

Two countries indicate that action on the Convention awaits the adoption of draft legislation: in Luxembourg the introduction of an order providing, *inter alia*, for equal minimum weekly wages and salaries for men and women for equal work and output will enable the Government to initiate the ratification procedure; in Thailand the promulgation and entry into force of the Labour Protection Act, which is to provide for equal remuneration, will make it possible for the Government to consider ratification.

The Greek Government states that, while obstacles stand, for the moment, in the way of ratification, the implementation of the principle of equal remuneration constitutes one of its objectives. In India ratification is not considered practicable now due to the absence of job appraisal machinery.

### *Conclusions*

Although the 90-odd reports reviewed above differ considerably as to presentation and detail, the official information thus available from 46 countries makes it possible for the Committee to draw a number of definite conclusions. It

should be stressed however, that these findings refer exclusively to the measures taken as regards the Equal Remuneration Convention and Recommendation, i.e. as regards the standards on equal pay laid down in these instruments, and not to the economic and similar reasons for which the principle of equal remuneration as such has not received full application in a given case.

It was already pointed out in the Introduction to these remarks that the Conference decided, in drafting the above texts, to adopt a Convention covering only general principles, supplemented by a Recommendation setting forth the methods of their application. In following this course the Conference intended to provide alternative ways for fitting the principle of non-discrimination into the varying machinery for wage determination that exists in the different countries. It hoped in particular that a flexible approach such as this would enable a large number of States to ratify the Convention regardless of the system in force for fixing wages. While this expectation has been only partly fulfilled during the almost five years which have elapsed since the adoption of the Convention, the present survey makes it clear that, in addition to the ten member States which have ratified it, a sizable number of other countries contemplate or are in a position to contemplate ratification. The Committee bases this conclusion on the following facts.

Eleven non-ratifying countries have written the principle of equal remuneration into their national constitutions and in nine further countries legislation has been adopted on the subject. In many of these cases ratification would therefore merely constitute formal confirmation on the international level of the fact that the principle is already given full or substantial effect to in the country concerned.

To take one example, certain Members which have not so far ratified state in their reports that the principle has been strictly applied for several decades and that the relevant national provisions guarantee higher standards than those laid down in the Convention. The Committee ventures to recall in this connection that under article 19, paragraph 8, of the Constitution of the I.L.O., "In no case shall . . . the ratification of any Convention by any Member be deemed to affect any law, award, custom or agreement which ensures more favourable conditions to the workers concerned than those provided for in the Convention".

First among the measures suggested by the Recommendation to governments appears the application of the principle of equal remuneration to their own employees. The fact that no less than 24 countries report that they do or are in the process of doing this is an indication of the extent to which the principle is becoming increasingly accepted throughout the world. It is noteworthy that this equality of treatment is also granted in many cases to the employees of state, provincial and local governments and of government-owned or operated undertakings, and to workers engaged on public contracts.

Effect can also be given to the principle through legally established or recognised machinery for wage determination. The fixing of non-discriminatory general or minimum rates

of remuneration, either by legislation or by machinery under government control, is the method most frequently used. In certain cases the decisions of independent wages boards are made applicable by law to the whole of a trade or industry. There exists, however, an obvious reluctance on the part of certain governments to intervene in the collective bargaining between employers and workers, even if the results of the negotiations require ultimate sanction by the State.

This question of non-interference by governments in labour-management relations appears in fact to constitute in numerous cases a crucial factor in the application of the Convention, and a clear understanding of the relevant provisions seems therefore essential. The government's obligation to *ensure* implementation of the principle of equal remuneration is limited under Article 2, paragraph 1, of the Convention to those areas where such action is "consistent with the methods in operation for determining rates of remuneration". If, under the existing system, the government remains outside the wage fixing process, it is free to confine itself, under the same provision of the Convention, to *promoting* the application of the principle; this may be done by drawing the attention of the employers and workers to the desirability of taking the principle into account in their wage negotiations, by establishing or encouraging the establishment of objective job appraisal methods as mentioned below, by raising the productive efficiency of women workers (Paragraph 6 of the Recommendation), by carrying out research (Paragraph 8), etc.

Implicit in Article 2 of the Convention and in the whole of the Recommendation is the concept of the gradual application of the equal remuneration principle wherever circumstances prevent its immediate or full implementation. It is possible, for instance, under this step-by-step procedure to soften the impact of higher wages on the cost of production by spreading it over a longer period of time and it is not without significance that several countries, both among those bound and among those not bound by the Convention, indicate in their reports that they plan to work for the equalisation of men's and women's wages by stages.

As pointed out by a number of governments, there may be yet another important reason

for proceeding step by step: the establishment of equal rates of pay for work of equal value often requires an evaluation of the content of a given job, i.e., in the words of Article 3 of the Convention, an "objective appraisal of jobs on the basis of the work to be performed" in order to provide "a classification of jobs without regard to sex" (Paragraph 5 of the Recommendation). While job analysis, the name generally given to this evaluation procedure, seems to be already in wide use in some countries, the Committee noted with interest that a number of reports refer to the urgent need for developing this method so as to enable the government, in particular, to advise employers and workers on its use in fixing wages. The development and utilisation of such technical facilities, at the request of the parties concerned, constitutes, in the Committee's opinion, a significant step forward in any programme to promote the gradual application of the principle of equal remuneration.

Two main conclusions thus emerged from this review of the extent to which the 46 reporting countries have implemented or intend to implement the principle of equal remuneration, along the lines suggested in the Convention and the Recommendation: first, that there are very few cases where the principle is not considered an objective of public and industrial policy and, secondly, that such technical obstacles as may stand in the way of achieving this objective are being tackled and dealt with on a wide front. Conditions and difficulties vary from country to country according to their legal system, their industrial development, their economic structure, the composition and skill of their labour force, etc., and the reports from all parts of the world illustrate the corresponding variety of the steps taken or to be taken to eliminate wage discrimination between men and women workers.

The failure of some reports to define the government's attitude towards ratification of the Convention is thus counterbalanced by the fact that the principle of equal pay is actively engaging the attention of governments, employers and workers in most of the reporting countries and that the measures taken generally follow the direction pointed by the International Labour Conference when it adopted the relevant instruments.

**B. Reports Requested and Reports Received by 27 March 1956**

Country <sup>1</sup>	Reports requested			Reports received		
	Nos. of Conventions	Nos. of Recommendations	Number of reports requested	Nos. of Conventions	Nos. of Recommendations	Number of reports received
Afghanistan . . . . .	98, 100	90, 91	4	—	—	0
Albania . . . . .	98, 100	90, 91	4	—	—	0
Argentina . . . . .	98, 100	90, 91	4	—	—	0
Australia . . . . .	98, 100	90, 91	4	98, 100	90, 91	4
Austria . . . . .	—	90, 91	2	—	90, 91	2
Belgium . . . . .	—	90, 91	2	—	90, 91	2
Bolivia . . . . .	98, 100	90, 91	4	—	—	0
Brazil . . . . .	100	90, 91	3	—	—	0
Bulgaria . . . . .	98, 100	90, 91	4	98, <sup>2</sup> 100	90, 91	4
Burma . . . . .	98, 100	90, 91	4	98, 100	90, 91	4
Byelorussia . . . . .	98, 100	90, 91	4	98, 100	90, 91	4
Canada . . . . .	98, 100	90, 91	4	98, 100	90, 91	4
Ceylon . . . . .	98, 100	90, 91	4	98, 100	90, 91	4
Chile . . . . .	98, 100	90, 91	4	98, 100	90, 91	4
China . . . . .	98, 100	90, 91	4	—	—	0
Colombia . . . . .	98, 100	90, 91	4	98, 100	90, 91	4
Costa Rica . . . . .	98, 100	90, 91	4	98, 100	90, 91	4
Cuba . . . . .	—	90, 91	2	—	90, 91	2
Czechoslovakia . . . . .	98, 100	90, 91	4	—	—	0
Denmark . . . . .	98, 100	90, 91	4	98 <sup>2</sup> , 100	90, 91	4
Dominican Republic . . . . .	—	90, 91	2	—	90, 91	2
Ecuador . . . . .	98, 100	90, 91	4	—	—	0
Egypt . . . . .	100	90, 91	3	—	—	0
Ethiopia . . . . .	98, 100	90, 91	4	—	—	0
Finland . . . . .	100	90, 91	3	100	90, 91	3
France . . . . .	—	90, 91	2	—	90, 91	2
Germany (Fed. Rep.) . . . . .	98, 100	90, 91	4	98, 100	90, 91	4
Greece . . . . .	98, 100	90, 91	4	98, 100	90, 91	4
Guatemala . . . . .	100	90, 91	3	—	—	0
Haiti . . . . .	98, 100	90, 91	4	—	—	0
Honduras . . . . .	98, 100	90, 91	4	98, 100	90, 91	4
Hungary . . . . .	98, 100	90, 91	4	98, 100	90, 91	4
Iceland . . . . .	100	90, 91	3	100	90, 91	3
India . . . . .	98, 100	90, 91	4	98, 100	90, 91	4
Indonesia . . . . .	98, 100	90, 91	4	98, 100	90, 91	4
Iran . . . . .	98, 100	90, 91	4	98, 100	90, 91	4
Iraq . . . . .	98, 100	90, 91	4	—	—	0
Ireland . . . . .	100	90, 91	3	—	91	1
Israel . . . . .	98, 100	90, 91	4	98, 100	90, 91	4
Italy . . . . .	98, 100	90, 91	4	98, 100	90, 91	4
Japan . . . . .	100	90, 91	3	100	90, 91	3
Lebanon . . . . .	98, 100	90, 91	4	—	—	0
Liberia . . . . .	98, 100	90, 91	4	—	—	0
Libya . . . . .	98, 100	90, 91	4	—	—	0
Luxembourg . . . . .	98, 100	90, 91	4	98, 100	90, 91	4
Mexico . . . . .	98	90, 91	3	—	90, 91	2
Netherlands . . . . .	98, 100	90, 91	4	98, 100	90, 91	4
New Zealand . . . . .	98, 100	90, 91	4	98, 100	90, 91	4
Norway . . . . .	100	90, 91	3	100	90, 91	3
Pakistan . . . . .	100	90, 91	3	100	90, 91	3
Panama . . . . .	98, 100	90, 91	4	—	—	0
Peru . . . . .	98, 100	90, 91	4	—	—	0
Philippines . . . . .	—	90, 91	2	—	91	1
Poland . . . . .	98	90, 91	3	98	—	1
Portugal . . . . .	98, 100	90, 91	4	—	—	0
El Salvador . . . . .	98, 100	90, 91	4	—	—	0
Sweden . . . . .	100	90, 91	3	100	90, 91	3
Switzerland . . . . .	98, 100	90, 91	4	98, 100	90, 91	4
Syria . . . . .	98, 100	90, 91	4	—	—	0
Thailand . . . . .	98, 100	90, 91	4	98, 100	90, 91	4
Turkey . . . . .	100	90, 91	3	100	90, 91	3
Ukraine . . . . .	98, 100	90, 91	4	98, 100	90, 91	4
Union of South Africa . . . . .	98, 100	90, 91	4	98, 100	90, 91	4
U.S.S.R . . . . .	98, 100	90, 91	4	98, 100	90, 91	4
United Kingdom . . . . .	100	90, 91	3	100	90, 91	3
United States . . . . .	98, 100	90, 91	4	98, 100	90, 91	4
Uruguay . . . . .	100	90, 91	3	100	90, 91	3
Venezuela . . . . .	98, 100	90, 91	4	—	—	0
Viet-Nam . . . . .	98, 100	90, 91	4	98, 100	90, 91	4
Yugoslavia . . . . .	98	90, 91	3	98	91	2
Total . . . . .	51, 61	70, 70	252	31, 38	44, 47	160

<sup>1</sup> Members on 1 February 1955, date on which reports were requested.

<sup>2</sup> This Convention was ratified after the States had forwarded their reports under article 19.

CONFIDENTIAL  
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COMMITTEE OF EXPERTS ON THE  
APPLICATION OF CONVENTIONS  
AND RECOMMENDATIONS

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Geneva,  
15 March 1956

SUPPLEMENTARY REPORT SUBMITTED  
TO THE GOVERNING BODY





COMMITTEE OF EXPERTS ON THE APPLICATION  
OF CONVENTIONS AND RECOMMENDATIONS

SUPPLEMENTARY REPORT SUBMITTED TO THE GOVERNING BODY

1. The Committee was informed of the formal request made by the Council of Europe concerning the evaluation of the extent of application of the draft European Social Security Code, by the Members of the Council of Europe. The Committee noted that this European Social Security Code which is now nearing completion consists in fact of provisions of the I.L.O. Social Security (Minimum Standards) Convention, 1952 (No. 102), but requires as a condition of ratification the acceptance of at least six Parts of the Convention whereas ratification of the International Labour Convention may be on the basis of at least three Parts. Any State which will be a party to the European Social Security Code would therefore in practice be in a position to ratify the International Labour Convention and it may be assumed that no State is likely to become a party to the European Instrument without also becoming a party to the International Labour Convention. The Committee noted with interest in this connection that of the seven States which have so far ratified the Convention, five (Denmark, Greece, Norway, Sweden and the United Kingdom) are Members of the Council of Europe. It further noted that in all but one case the countries concerned have accepted more than the minimum of three Parts of the Convention in depositing their ratification.

2. The Committee was informed that the Governing Body had agreed in principle to the above-mentioned request by the Council of Europe that the I.L.O. should assist it in evaluating the extent of application of the European Social Security Code and had instructed the Director-General to enter into consultation with the Committee of Experts with a view to determining the details of such assistance.

3. The Committee finds that the position is essentially as follows: there will be in existence concurrently with the International Instrument requiring a minimum of obligations a Regional Instrument based on the International Instrument containing in most respects identical terms but requiring the acceptance of a larger group of obligations as a condition of being a party to the Instrument. The Committee agrees that it would be unfortunate if identical texts were interpreted differently by different international bodies, and welcomes

therefore the suggestion made by the Council of Europe since this would in particular be likely to promote uniformity in the interpretation of the identical texts referred to.

4. While the Committee would thus welcome an opportunity to collaborate in the evaluation of the effect given to the European Social Security Code it is also conscious that the performance of this task is bound to involve additional work and that appropriate arrangements would be necessary to enable it to cope with the increase in the workload which is already causing concern to the Committee. It notes that the Governing Body has taken into account the possibility of any additional expenditure being covered under the provisions of the Agreement with the Council of Europe.

5. The Committee is also of the unanimous opinion that the examination it would thus be called upon to carry out could only be undertaken on the collective basis on which the Committee has traditionally carried out its work and submitted its report. This would of course not preclude the possibility of it entrusting a subcommittee, composed of a limited number of members, with the preliminary examination of the reports, as has been done on previous occasions.

6. The Committee wishes further to draw the attention of the Governing Body to the necessity, in requesting reports on the application of the International Labour Convention and the European Social Security Code, to use substantially identical forms of report so as to facilitate comparison between the information supplied as regards one or the other of these Instruments.

7. During its examination of this question the Committee finally considered the possibility of similar Instruments being adopted in future by the Council of Europe or other regional bodies. If requests for collaboration involving the assistance of the Committee in the work of evaluation were again to be addressed to the I.L.O. in this connection, the Committee would greatly appreciate being consulted by the Governing Body before any definite commitments are made on the matter.